1. CALL TO ORDER

2. ROLL CALL AND DETERMINATION OF A QUORUM


4. COMMUNICATION
   A. Planning article of the month
   B. Discussion of Governor Bergum’s speech

5. PUBLIC HEARINGS

6. COMMITTEE REPORT
   • NONE

7. UNFINISHED BUSINESS

8. NEW BUSINESS
   A. Special Permitted Use and Parking Reduction request for a gym/health club in an M-1: Light Industrial zone located at 301 26th St. West – Mitch Hughes/Full Circle Strength Systems
   B. Special Permitted Use request for the storage of oil field chemicals in an M-2: Heavy Industrial zone located at 14066 51st St. NW, Bennett Industrial Park

9. DATE OF NEXT REGULAR MEETING – August 21, 2017

10. ADJOURNMENT
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON June 19, 2017 AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

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

MEMBERS PRESENT: Eynon, Hansen, Bauer, Christensen, Long, Maristuen Aafedt

MEMBERS ABSENT: NONE

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Jeremy Miller, Staff Planner; Bob Hanson, City Engineer.

PUBLIC HEARINGS:

A. Proposed Ordinance 1065, and amendment to Ord. 1061 which regulates Temporary Use Permits, allowing an exemption for seasonal greenhouses- Staff

Chairman Aafedt introduced the first public hearing item (as above) and asked Laqua to present. Laqua said that Ordinance 1065 amends Ordinance 1061, which was an amendment to Ordinances 1048 and 999, which were amendments to Ordinance 613, the Zoning Ordinance of the City of Williston. Specifically, Ord. 1065 amends Section O: Temporary Uses and Structures, to clarify and establish further restrictions for such uses within the City Limits and the Extra Territorial Jurisdiction.

Laqua explained that it was brought to the attention of the City that there was no provision in the temporary use ordinance for seasonal greenhouses; the 42 day total time limit for a temporary use permit on a property does not allow enough time for a true seasonal greenhouse. In addition, true, year round, greenhouses are a significant investment.

The City met with an ad hoc committee to discuss the potential for the allowance of a seasonal greenhouse. Ordinance 1065 defines and allows seasonal greenhouses under certain conditions.

The definition of greenhouses was taken from a combination of Merriam-Webster and the UDC of Columbus, Georgia, and is stated: “Greenhouse: a structure enclosed (as by glass or plastic), and used for the cultivation or protection of tender plants; used in a retail setting as an establishment engaged in the sale of plants, trees, garden supplies, garden tools, and related items to the public.”

In addition, the following conditions are set:

Seasonal greenhouses which are erected only during the period of time from May 1- August 31, providing the following conditions are met:
i. The greenhouse is owned and operated by either the property or building lease holder or owner.

ii. The greenhouse is located on an existing developed lot with an existing, current primary use.

iii. The greenhouse may only be utilized as an accessory use.

iv. A temporary structure permit is obtained.

v. No required parking is utilized for the placement of the greenhouse or surrounding outdoor sales.

vi. The greenhouse shall only be located on commercial (C-1, C-2, C-3), Highway Corridor Commercial (HCC), Light Industrial (M-1), Heavy Industrial (M-2), or Agricultural (A) zoned properties.

There were no comments from the June 5, 2017 ad hoc.

Laqua said that this ordinance has been discussed with the business that brought this to the City’s attention. They have stated they were in favor of the ordinance and it would allow them to operate their planned greenhouse.

Laqua stated that this ordinance has also been discussed with the Chamber of Commerce and concluded her presentation. Aafedt asked if there were any questions from the Commission.

Commissioner Eynon stated his understanding that public comment had to be heard on this proposal but said that he had spoken to someone who has a significant year round investment in greenhouse. While Laqua has earlier stated that staff had public input and Chamber of Commerce input on this ordinance, the greenhouse owner that he spoke to knew nothing about this meeting. Eynon said he felt that this item should be tabled to allow time for wider public input by people who do have significant investment in this area.

Commissioner Aafedt asked Laqua if this ordinance was advertised. Laqua said it was advertised in the Williston Herald as a public hearing per Century Code requirements and usual practice.

Commissioner Maristuen asked if there would also be a public hearing at the City Commission level after a recommendation from Planning Commission; Laqua affirmed that is correct. Laqua added that this was brought about by an existing business just wanting to bring what they already sell outside for the season just as Walmart does.

Eynon asked if the greenhouse would be able to be left up year round or even into the fall. Laqua said that would become a permanent structure which is not the intent. Eynon asked if these greenhouses would have water or electric and how that would be handled. The structure and any included utilities would be handled by the building department the way any other temporary structure is handled.
Aafedt opened the public hearing and asked for any comment. Leroy Sidel stood and suggested a start date earlier than May 1, a couple of weeks maybe a month because of the possibility of a freeze to allow growers the ability to protect their plants.

Jana Lutz, Chamber of Commerce, said that the Chamber’s involvement is that a member approached her wondering what they could or could not do and she helped facilitate communications with Laqua.

Aafedt called twice more for public input and hearing none she closed the public hearing and called for discussion or a motion from the Commission.

Commissioner Bauer asked Eynon why he felt this needed to be tabled. Eynon said he felt that “we” should reach out in a broader scope to consider people that do have an investment in greenhouses. He stated that not everyone reads the Williston Herald; the people he spoke to do not and were not aware of this meeting or proposed ordinance. Eynon stated that he did tell them that the ordinance would have to go to the City Commission for hearing twice and they would have an opportunity to speak at the first reading which will be a public hearing.

MOTION BY EYNON, SECOND BY BAUER to table proposed Ordinance 1065, and amendment to Ord. 1061 which regulates Temporary Use Permits, allowing an exemption for seasonal greenhouses for further public input. AYES: Eynon, Bauer, Long. NAYS: Christensen, Hansen, Maristuen, Aafedt. ABSENT/NOT VOTING: None. ABSTAINED: None. **Motion Failed, City Attorney Evert stated that a new motion could be made with a recommendation to the City Commission or could go to City Commission with no recommendation.

MOTION BY MARISTUEN, SECOND BY CHIRSTENSEN to recommend to the City Commission approval of proposed Ordinance 1065, and amendment to Ord. 1061 which regulates Temporary Use Permits, allowing an exemption for seasonal greenhouses contingent on staff contacting permanent greenhouses to notice them of the City Commission public hearing. AYES: Long, Christensen, Hansen, Maristuen, Aafedt. NAYS: Eynon, Bauer ABSENT/NOT VOTING: None. ABSTAINED: None. (5-2, approve)

B. Proposed temporary moratorium prohibiting the City of Williston from receiving and processing applications for beverage kiosks for a period of one year within the city limits of the City of Williston and its extra-territorial jurisdiction - Staff

Chairman Aafedt introduced the first public hearing item (as above) and asked Laqua to present. Laqua explained this ordinance has been put together by the City Attorney to prohibit the City from accepting new beverage kiosks applications for the next year.

Laqua said this moratorium would allow the City to examine some needed updates to the current ordinance, in addition to the general overall impact of beverage kiosks.
There has been some public comment regarding beverage kiosks which has brought this issue before the commission. It appears that there are many varied opinions on the role that beverage kiosks play in the community, as well as on the various regulations which are attached to them.

A moratorium will allow the City the chance to fully examine this issue and bring back an updated ordinance within a year.

Laqua explained that at the June 5, 2017 ad hoc meeting there were two Planning Commissioners who were in favor of the ordinance, and one opposed. All had different views of the nuances of what should be updated in the ordinance.

This ordinance has also been discussed with the Chamber of Commerce. Laqua stated that they understand the need to work toward an ordinance that promotes existing businesses while remaining open and friendly to new businesses. They are also willing to work to set up a committee with some of their members to discuss this issue, as there are many varying viewpoints on this issue.

Laqua concluded her presentation. Commissioner Bauer stated that he is opposed to the moratorium and asked Laqua how many kiosk applications are active right now; Laqua stated that there are no new applications at this time but she did have a pre-application meeting last month with someone considering a kiosk. Laqua said she had explained that there may be a moratorium on kiosks in the near future and that if she was serious she should turn in her application soon. No application has been submitted.

Chairman Aafedt opened the public hearing. Jana Lutz, Chamber of Commerce, agreed that the ordinance needs to be looked at and that the business community needs to be involved but stated that other than that the Chamber of Commerce was not taking a stance. She said however that she is concerned about a moratorium giving businesses the perception of the City being unfriendly to business.

Bob Horab spoke from the audience and said if there is no rush to do this then why do this and asked if re-working the ordinance without a moratorium would constitute 20 – 30 new kiosks or only 3 or 4. Horab stated that he feels the City should let business to dictate what builds and survives.

Jerry Fleck approached the Commission stating that in 2012 when he served on the Planning Commission temporary businesses were addressed but not coffee kiosks and now there are several in play. He said that the problem with the current ordinance allowing some temporary businesses is that it does not lay out how long a temporary business use can stay in place. Fleck stated he does not wish to put anyone out of business but that the City needs an ordinance that appropriately addresses them and suggested several issues such as length of operation, aesthetics (bright colors/questionable advertising) and general government of kiosks. Fleck said that kiosks have very little investment in the community and what happens in the community compared to the long term permanent businesses. He asked the Commission to
consider whether kiosks pay the same taxes; do they pay for permits; are they members of the Chamber of Commerce; what is the long term contribution to community vs. the costs to brick & mortar businesses?

Aafedt called twice more for public input; hearing none she closed the public hearing and asked for questions, discussion or a motion from the Commission.

Bauer again stated that while he agrees that discussion needs to take place he does not believe a moratorium is right and stated he feels that would be stepping on free enterprise. He said he feels that if the City does not place the moratorium it will incentivize staff to use community resources and conclude their review of the kiosk ordinance sooner than one year. Bauer suggested the City use the Chamber of Commerce, Builder’s Association, Downtowners Association, Board of Realtors and other business owners to help answer this question.

Commission Hansen agreed with Bauer but also agreed with Jerry Fleck that there needed to be some conformity/requirements for aesthetics so they don't look temporary or offensive.

Jerry Fleck approached the Commission again and stated to Bauer that that he feels that a moratorium is a good idea otherwise the City could end up with another unsightly kiosk with no way to control that.

Commissioner Christensen said he feels that if this moratorium is not put into place now after this has been brought to the public attention there will be a rush of kiosks before any new ordinance can be put into place. Bauer agreed that was a good point.

Assistant City Attorney Evert reminded the Commission that the ordinance as drafted makes kiosks an accessory use meaning there must be an existing commercial business on the lot. Further he stated that at the time of the Temporary Use ordinance kiosks were accepted because they already existed in the City therefore there is very little control of them other than being in an appropriate zone.

Commissioner Eynon asked Evert if he foresaw a discussion limiting the number of kiosks. Evert stated it was one point brought up on previous discussions along with permits, bonds, sewer and water, foundations and uniformity.

Jarcik stated that without a moratorium there is no way for Planning and Zoning staff to get ahead of their work load. Staff needs time to do appropriate research, form committees, have discussions. A moratorium simply allows that time.

Maristuen asked Laqua what kind of time staff is thinking it would take to be ready to address this issue. Laqua said originally the thought was six months but that taking an ordinance through Planning Commission and City Commission with appropriate notice and advertising would take two months alone and there was concern about that leaving enough time to have all
suggested committee meetings. The City is asking for one-year with a goal of being ready in six months.

Aafedt stated that she feels there has to be a change to the current ordinance because as it is written now there is simply not enough information to fully answer questions that the public may have.

Bauer asked Jana Lutz if the Chamber of Commerce could have their group(s) ready to discuss this matter in just a couple of months; Lutz said yes. Bauer posed the same question to Bob Horab about the Builder’s Association and Horab agreed as well.

Hansen said that during the course of whatever happens that the brick and mortar businesses like Meg-A-Latte and Daily Addiction should be involved as well since they are the ones most affected.

MOTION BY BAUER, SECOND BY HANSEN to recommend to the City Commission approval of Proposed temporary moratorium prohibiting the City of Williston from receiving and processing applications for beverage kiosks for a period of six-months, with a review at that time, within the city limits of the City of Williston and its extra-territorial jurisdiction. AYES: Hansen, Bauer, Christensen, Long, Aafedt. NAYS: Eynon, Maristuen. ABSENT/NOT VOTING: None. ABSTAINED: None. (approve, 5-2 vote)

C. Short Plat to rearrange lot lines, Lot 6 and Lot 7, Block 2, Willow Wood Country Estates (704 and 712 35th St. E), City of Williston – Redland LLC

Chairman Aafedt introduced the first public hearing item (as above) and asked Laqua to present. Laqua stated that this application is for a short plat to move the lot line between Lots 6 & 7, Block 2, Willow Wood Country Estates, in order to address a non-conforming setback. The house on Lot 7 does not meet setback requirements for the R-1A zoning district. This lot line adjustment will correct that concern and will create a conforming setback.

This property was developed and subdivided while in the ETJ. This lot line adjustment will not affect the water service into the properties and both lots are on septic systems. There is no trespass of the systems between the two properties, and the lot line adjustment will not affect this.

At the June 5 ad hoc, the City Engineer noted that in 1995, the roadway to the south of Lots 6 and 7 was abandoned. Therefore, each lot is an additional 33 feet deep. This should eliminate the need for the flag lot. The applicant has updated the plat since that meeting. When the roadway was originally abandoned, a 33’ utility easement on the south and east sides of the subdivision was retained. This utility easement remains on this plat.
1. Plat redlines must be addressed.

Laqua concluded her presentation. City Engineer Hanson asked if the plat revision would remove the flag lot; Laqua said yes. Hanson then asked if a drainage easement was needed; Laqua said that would be created by a separate document and not by the plat.

Aafedt opened the public hearing and asked for any comment. Mike Johnson of JMAC, representing the applicant, said this rearrangement would just solve a problem that was created in the County. He added that they are preparing to sell three lots in the Willow Wood Estates soon and needed this cleaned up. After calling for public comments two more times and hearing none Aafedt closed the public hearing and asked for the wishes of the Commission.

MOTION BY MARISTUEN, SECOND BY HANSEN to approve the short plat for Lots 6 & 7, Block 2, Willow Wood Country Estates, City of Williston, contingent on addressing all staff comments and recordation of a drainage easement if the City Engineer deems necessary.

AYES: Hansen, Eynon, Bauer, Christensen, Long, Maristuen, Aafedt.
NAYS: None.
ABSENT/NOT VOTING: None. ABSTAINED: None.

D. Short Plat to rearrange lot lines, Lot 9 and Lot 10, Block 2, Willow Wood Country Estates (804 and 812 35th St. E), City of Williston – Redland LLC

Chairman Aafedt introduced the first public hearing item (as above) and asked Laqua to present. Laqua stated that just as with the previous plat this application is for a short plat to move the lot line between Lots 9 & 10, Block 2, Willow Wood Country Estates, in order to address a non-conforming setback. The house on Lot 10 does not meet setback requirements for the R-1A zoning district. This lot line adjustment will correct that concern and will create a conforming setback.

Again this property was developed and subdivided while in the ETJ. This lot line adjustment will not affect the water service into the properties. Both lots are on septic systems. There is no trespass of the systems between the two properties, and the lot line adjustment will not affect this.

Laqua concluded her presentation and Aafedt opened the public hearing and asked for any comment. After calling three times for comment and hearing none she closed the public hearing and asked for the wishes of the Commission.

MOTION BY BAUER, SECOND BY MARISTUEN to approve the short plat for Lots 9 & 10, Block 2, Willow Wood Country Estates, City of Williston, contingent on addressing all staff comments and recordation of a drainage easement if the City Engineer deems necessary.

AYES: Hansen, Eynon, Bauer, Christensen, Long, Maristuen, Aafedt.
NAYS: None.
ABSENT/NOT VOTING: None. ABSTAINED: None.
COMMITTEE REPORT:

A. NONE

UNFINISHED BUSINESS:

A. Zone Change to M-1: Light Industrial for property in the NWNE, Sec. 28, T154N, R101W, in the City’s extra-territorial zone – Staff

Chairman Aafedt introduced the first unfinished business item (as above) and asked Jarcik to present. Jarcik reminded the Commission that this property was part of the West Corridor Re-zone and that it was tabled at the May 15, 2017, Planning & Zoning Commission meeting for further discussion with the property owner regarding zoning. Although property this was initially part of the City initiated re-zone to HCC: Highway Corridor Commercial the owner asks to rezone the property to M-1: Light Industrial to be consistent with past use and adjacent developments.

Jarcik said that this property has been leased to Pacific Steel while still under the County jurisdiction. The property is undeveloped and was primarily leased to maintain access to their property to the south and west. With a future Special Permitted Use (SPU) application and approval this zoning would allow Pacific Steel to use this property for their steel/salvage yard/recycling operations in conjunction with their adjacent properties and nearby facilities. An additional SPU would be required. M-1: Light Industrial zoning would be consistent with the surrounding zoned properties.

Jarcik stated this lot would be a good transition edge from the Industrial zoned lots to the east to the proposed Highway Corridor Commercial zoning to the west. The specifics of this lot with the topography adjacent to the west and north, and with the M-1 zoned property to the east and south for a cattle sales lot and oil well, this property would be compatible with the plan. In addition the M-1 zoning district has screening and buffering requirements that would be required at time for any development for this undeveloped lot. Lastly, the more intensive uses of the zoning district require an SPU that would allow further consideration by the Planning and Zoning Commission for development standards based on the type of development proposed.

This property would have access to rural water but there is no City sewer service to this property. Access to this lot would have access from the frontage road and storm water would be considered at the time of a development proposal.

Jarcik concluded his presentation. Aafedt called three times for public input and hearing none she called for the wishes of the Commission.

MOTION BY MARISTUEN, SECOND BY LONG to recommend to the City Commission approval of a zone change to M-1: Light Industrial for property in the NWNE, Sec. 28, T154N,
R101W, in the City’s extra-territorial zone. AYES: Hansen, Eynon, Bauer, Christensen, Long, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

B. Special Permitted Use request for storage of hazardous material in the proposed Highway Commercial Corridor (HCC) Zoning District, on a Tract in the NW1/4 NWNW, Sec. 29, T154N, R101W, in the City’s extra-territorial jurisdiction – Staff

Chairman Aafedt introduced the first public hearing item (as above) and asked Jarcik to present. Jarcik explained that these two parcels were held from the rezone of the west corridor at the regular May 15th Planning and Zoning Commission meeting. After discussion with the property owner, additional information was needed for clarification of the existing uses and applicable permitting and notification needed. The properties are leased to Creedence Energy Services. The land use is oilfield contractor with the storage of chemical products used in the oilfield.

These properties were developed in the corridor that had a previous County industrial zoning designation. Oilfield service contractor would be a permitted use in the Highway Corridor Commercial (HCC) zoning district. The storage of chemicals would be considered with a Special Permitted use (SPU) in the HCC. The material safety data sheets (MSDS) have previously been reviewed and approved by the fire department. As long as the requirements of the MSDS approval continue to be met this use would be consistent with the adjacent uses.

The property takes access from the frontage road adjacent to Highway 2.

**COMPLETION/RECORDATION REQUIREMENTS**

1. In compliance with the MSDS approval

Aafedt asked if the Commission had any questions of Jarcik.

Maristuen asked if there had been any response by neighbors; Jarcik said no. Eynon asked if this storage had previously existed; Jarcik said yes. It was asked what kind of chemicals would be stored there. Jarcik stated it would be the same as listed in the Commission packet under New Business Item B as it is the same applicant but for a different property. He restated that the MSDS sheets and storage information has been reviewed and approved by the City Fire Chief.

MOTION BY CHRISTENSEN, SECOND BY HANSEN to approve the special permitted use request for storage of hazardous material in the proposed Highway Commercial Corridor (HCC) Zoning District, on a Tract in the NW1/4 NWNW, Sec. 29, T154N, R101W, in the City’s extra-territorial jurisdiction, contingent on maintaining compliance with Fire Code. AYES: Hansen, Eynon, Bauer, Christensen, Long, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

** It was determined after conclusion of the meeting that this SPU would be for short term use on this property as this is the same storage that Creedence would be moving to a property
owned by them in the Highway 7 Industrial Park. A Special Permitted Use request for said property is presented and approved as New Business Item B later in this meeting.

C. Amendment to the Sign Master Plan for Iron Point Subdivision – Iron Point West, LLC

Chairman Aafedt introduced the first public hearing item (as above) and asked Ching to present. Ching stated that the applicant has requested to table this item for one more month as a new salesperson has been assigned to this development and needs extra time to understand the proposals and locations of easements and utilities.

MOTION BY LONG, SECOND BY BAUER to table the amendment to the Sign Master Plan for Iron Point Subdivision as requested by the applicant. AYES: Hansen, Eynon, Bauer, Christensen, Long, Maristuen, Aafedt. NAYS: None. ABSENT/NOT VOTING: None. ABSTAINED: None.

NEW BUSINESS:

A. Special Permitted Use request to run a right of way restoration business with 8 employees and maintain a residence on Agricultural zoned property located in the W1/2, SWSE, Sec. 20, T154N, R100W (218 37th Ave. SE), City of Williston – Tod Ammerman

Aafedt introduced New Business Item 8A (as above) and asked Ching to present. Ching explained that the applicant, Tod Ammerman, requests a special permitted use (SPU) to operate a contractor yard and to maintain a residence in A: Agricultural zone on Tract in W2SWSE, Section 29 of T154N R100W. A contractor yard is allowed as an SPU in the A: Agricultural zone.

The applicant will be operating a right-of-way/environmental restoration business on the property and will have eight employees. The applicant is currently living in the house that is on the lot.

It was discussed at the June 5, 2017, ad hoc meeting that this SPU would apply to the entire property but will limit the contractor business to the current yard. Ching said that the applicant will have to buffer and screen the use of the contractor yard. The applicant will need to plant two rows of pine and deciduous trees on the east side of the property. Deciduous trees will need to be planted 35 feet apart on the south side along the public right-of-way and pine trees will have to be planted on the west side of the contractor yard. In addition, a 6 feet high chain link fence will need to be installed on the east and south side of the use of the contractor yard. No slatting will be required because of the proposed trees buffering. Trees will have to be installed by July 31st, 2018 instead of July 31st, 2017 due to the proximity of this application to the deadline.

The property owner has, in the past, requested to rezone this property to industrial due to this property being in violation of the zoning ordinance by having a truck contractor yard in an
agriculture zoned property. However, planning staff did not recommend rezoning his property to industrial as the surrounding land uses around this property are agricultural and large lot rural residential.

SPECIAL USE PERMIT CONSIDERATIONS
As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. *The property takes existing access from 133rd Street and a public road to the south.*

2. Off-street parking and loading areas where required, with particular attention to the items in “1” above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. *This SPU requires no additional parking.*

3. Refuse and service areas, with particular reference to the items in “1” and “2” above. *No additional refuse containers will be required.*

4. Utilities, with reference to locations, availability, and compatibility. *Project is served by existing rural water and sewer.*

5. Screening and buffering with reference to type, dimensions, and character. *The applicant will need to plant two rows of pine and deciduous trees on the east side of the property. Deciduous trees will need to be planted 35 feet apart on the south side along the public right-of-way and pine trees will have to be planted on the west side of the contractor yard. In addition, a 6 feet high chain link fence will need to be installed on the east and south side of the use of the contractor yard. No slatting will be required because of the tree buffering. Trees must be installed by July 31st, 2018.*

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. *No additional signs are proposed.*

7. Required yards and other open spaces. *No additional space for yards or open space is required.*

8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses to the north, east, south is Agricultural and Heavy Industrial to the west.*

9. Use shall not impose a hazard to health or safety. *The use should not impose a hazard to health or safety, if appropriately screened and fenced.*

Ching said this property is served by rural water and septic system

**Buffering and Fencing:** The applicant will need to screen and buffer for the use of the contractor yard. **Activity since the ad hoc meeting:** Planning staff met the applicant on-site to discuss required screening and buffering.
Stony Creek Township has been notified of this SPU. Planning staff did not receive any comments from that board.

### COMPLETION/RECORDATION REQUIREMENTS

1. Recordation of Findings as attached
2. Screening and buffering as noted above

Aafedt asked if there were any questions from the Commission or if there was a motion.

Bauer said that at ad hoc there was discussion about possibly requiring a chain-link between the shop and the house and asked if that was going to be required or not. Laqua said no but there would be fence on the south side and the east side and trees on the west.

Eynon asked about the tree existing tree row on the south side of the right of way and the trees being suggested on the south of the applicant’s property. Laqua stated that standard street tree standards will be applied; one deciduous trees every 35 ft. on the south side of the applicant’s property. Eynon says he would be concerned about that tree row in conjunction with the tree row on the other side of the roadway creating a snow fence and causing issues blocking the road. City Engineer Hanson suggested not adding trees to the south property line stating the tree row on the south side of the roadway provides enough screening. Hanson said that he believes it would create a snow trap and said that the question of who takes care of that road.

Laqua explained that there would be a chain link fence and row of trees, one every 35 ft., in accordance with the City’s landscaping ordinance on the south side of the property. A double row of pine and deciduous trees on the east side and the existing tree row on the north side is sufficient screening. The issue however is that the road may at some point lead north along the east side of this property to a development that is being proposed for that area.

Commissioner Christensen and City Engineer Hanson worried about the chain-link fence creating even more issue with drifting snow than the trees.

The applicant Tod Ammerman spoke and said there is already an issue with drifting. He takes care of the road.

City Engineer Hanson said individual trees every 35 ft. is ok on the south side of the property but he is more concerned about putting a tree row on the east side if a road is put through running north into future development. He suggested leaving the east tree row out and allowing future development deal with screening.

Rich Vestal stated that the oil well east of this site has chain link all the way around it and already causes a lot of drifting snow and adding chain link on the applicant’s property will only
create bigger issues. Vestal said he and Ammerman work together to care for the road and another tree row would make a nightmare for them out there.

Bob Horab addressed the Commission and said that putting fences and trees in the ETJ using the same standards as for the City doesn’t work; there are different weather issues. Jarcik replied that the City has had a lot of request from neighbors insistent on tree and/or fence screening in similar situations so this is nonetheless something that has to be dealt with.

Commissioner Maristuen asked if there is no buffering at the oil well. Laqua said there is only a fence and it would be up to the developer behind the oil well to buffer the well. Maristuen asked if the oil well is not buffered then why are we asking for buffering with this SPU. Laqua stated that the oil well was granted a CUP by the County and now Ammerman is asking the City for an entitlement so are subject to standard regulations.

MOTION BY MARISTUEN, SECOND BY CHRISTENSEN to approve the Special Permitted Use request for to run a business with eight (8) employees and maintain a residence on Agricultural zoned property located in the W1/2, SWSE, Sec. 20, T154N, R100W (218 27th Ave. SE), City of Williston, exempting the tree row on the east side of the property. AYES: Hansen, Bauer, Christensen, Long, Maristuen. NAYS: Eynon, Aafedt. ABSENT/NOT VOTING: None. ABSTAINED: None. (approve, 5-2)

B. Special Permitted Use request for storage of hazardous materials in M-2: Heavy Industrial Zoned property, future Lot 3R, Highway 7 Industrial Park, SWSW, Sec. 35, T155N, R101W, City of Williston – Creedence Properties

Aafedt introduced New Business Item 8B (as above) and asked Ching to present. Ching explained the applicant, Creedence Properties LLC, requests a special permitted use (SPU) to store hazardous materials in Lot 3R, Highway 7 Industrial Park, a rearrangement of Lot 1, Block 1.

Storage of hazardous materials, subject to locally adopted Fire Code and State Building Code Regulation is allowed by a special permitted use (SPU) pursuant to section 23(C)(2)(M) of the Williston Zoning Ordinance.

The applicant is proposing to store hazardous materials outside the proposed building. Berm #1 will be located east of the proposed building and Berm #2 will be located at the northeast corner of the property. Both of the berms will have a cement foundation and walls.

The applicant has provided a containment plan. Berm #1 is intended to store tanks with a 4 inch high berm and Berm #2 is intended to store totes with a 4 inch high berm.

Bob Kiser from the Fire Department commented that the Fire Department is OK with the SPU as long as Berm #1 meets the requirement of NFPA 30 and 30A.
Ching said the Highway 7 Industrial Park Subdivision went through a short plat process to create 3 lots from 1 lot at the April Planning and Zoning Meeting. This subdivision is currently in the process of being recorded. This SPU should be contingent on the plat being recorded and the applicant purchasing the property.

There are city water and sewer lines available along 16th Avenue W.

As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. The property will take access from 16th Avenue W.

2. Off-street parking and loading areas where required, with particular attention to the items in “1” above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. This SPU requires no additional parking.

3. Refuse and service areas, with particular reference to the items in “1” and “2” above. This use will not affect the current refuse and service areas.

4. Utilities, with reference to locations, availability, and compatibility. There are city water and sewer lines available along 16th Avenue W.

5. Screening and buffering with reference to type, dimensions, and character. Buffering is not required between industrial lots.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. No additional signs are proposed.

7. Required yards and other open spaces. No yards or open spaces are required by Zoning Ordinance.

8. General compatibility with adjacent properties and other property in the district. Adjacent land uses to the north, east, west are heavy industrial and agricultural to the south.

9. Use shall not impose a hazard to health or safety. The storage of the hazardous materials noted in the application within the proposed berm has been approved by the Fire Marshall. The applicant will install a cement foundation for both berms. Berm #1 will have to meet the requirements of NFPA 30 and 30A in accordance with the Fire Marshall comment.

The June 5, 2017, ad hoc committee had a question regarding the house located at the corner of the subdivision and asked if the house would be in danger if the containment plan fails. Planning staff noted that the house is located on Lot 1R and is located on a separate lot. The City Engineer commented that the house will not be in any danger if the containment plan fails.
COMPLETION/RECORDATION REQUIREMENTS

1. Recordation of Findings as attached
2. Contingent on the Highway 7 Subdivision plat being recorded and the applicant being the owner of the property
3. Installation of the berm, as proposed in the Containment Plan
4. Berm #1 will have to meet the requirement of NFPA 30 and 30A

Ching added that the Planning Department did receive a letter of concern from a neighboring property. Staff responded via email and mail including the MSDS for this application. (a copy of the response letter was provided to the Commissioners at the beginning of this meeting)

Aafedt asked about a 4 inch berm and how that will be maintained with wind and erosion. Laqua stated that the containment pad and berm will be concrete not just a dirt berm.

Wyatt Black of Creedence Properties addressed the Commission. He stated the largest berm holds 100% of the largest tote and the smaller berm holds 100% of the largest tote (130 gal.) or 10% of the total in the containment area.

Leroy Sidel spoke and said his property sits above his and storm runoff will run into his land. If run off or storms fill those containment areas and with short berms he is concerned that run off will contain chemical. He stated from previous experience with oil field chemicals he believes that no matter the containment they are not good.

City Engineer Hanson stated that the site will be graded to level and the berms will prevent run off from infiltrating the berms and keeping spills within.

Eynon asked if the chemicals to be stored at this site are the same as currently being stored at West Acres Rentals. Wyatt Black confirmed that they are and stated that once the new site is ready and the move complete then there will no longer be anything at the West Acres site.

Christensen said there is a family and cattle well 25 ft. from the property line of this site and asked Black if he was comfortable with those chemicals there; Black said he was comfortable. Black said there are two well pads located within two-miles either way of this site that would be treated with the same chemicals he will store. Black added that the neighboring property had just been fracked for oil wells. All in similar proximity to family and cattle wells in question.

Commissioner Hansen asked if the storage was product to be used at a later date and not used material. Black stated that to be true. Hansen then asked what if there is a good rain, what happens with that 4 inch berm? City Engineer Hanson said that over flowing that berm would be a 100 year rain. Aafedt added that Black had previously stated he could agree to make this a 6 inch berm.
Eynon said that the letter from Creedence accompanying the application indicates new chemical and chemical waste contradicting the answer to the question that was just given to Commissioner Hansen. Black said that they do QAQC mixes and if they are not happy with one mix it would be stored in a 55 gal. drum and disposed of; there would be no more than 55 gallons of waste in storage.

MOTION BY CHRISTENSEN, SECOND BY HANSEN to approve the Special Permitted Use request for storage of hazardous materials in M-2: Heavy Industrial Zoned property, future Lot 3R, Highway 7 Industrial Park, SWSW, Sec. 35, T155N, R101W, City of Williston contingent on making the 4 inch berm to 6 inches. **DISCUSSION: Maristuen stated that if the proposed containment and berms have been approved by the experts, NFPA and Fire Marshal, why should this Commission question those decisions. After Commission discussion on this, Christensen amended his motion to remove the requirement that the berm be raised to 6 inches. Hansen agreed and seconded the amended motion. AYES: Hansen, Bauer, Christensen, Long, Maristuen, Aafedt. NAYS: Eynon ABSENT/NOT VOTING: None. ABSTAINED: None. (approve, 6-1)

C. Special Permitted Use request for storage of Industrial Explosives on Lot 9, Block 5, Missouri Ridge Commercial Park (13505 58th St. NW), City of Williston – KLX Energy Services LLC

Appearing by phone for KLX are Jonathan Mann and Richard Borgus. In attendance at the meeting, Scott Mathews of KLX and Ryan Geltel, attorney representing KLX.

Aafedt introduced New Business Item 8C (as above) and asked Ching to present. Ching explained that the applicant, KLX Energy Services LLC, is requesting a special permitted use (SPU) to store up to 50lbs of explosives on Lot 9, Block 5 of Missouri Ridge Commercial Park Subdivision.

Storage of industrial explosives up to 50 pounds in the M-1 zone is allowed by special permitted use (SPU) pursuant to section 22(E)(3) of the Williston Zoning Ordinance.

The applicant requested to store two indoor storage magazine of up to 50 pounds total between the two and one outdoor storage magazine of up to 200 pounds. It was discussed at the ad hoc meeting that the zoning ordinance only allows explosive storage up to 50 pounds and what the applicant is proposing would exceed what is allowed by the ordinance. Planning staff explained that an outdoor magazine may be allowed in the M-2: Heavy Industrial zone but has never been permitted in the M-1 zone. It was determined at the end of the ad hoc meeting that the outdoor storage would require further discussions and will not be included with the SPU. The applicant is now only requesting an SPU for the two indoor magazines.

This proposed SPU is compatible with the adjacent properties as the surrounding properties are zoned industrial. This property is served by rural water and septic system.
As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. *The property takes existing access from 58th Street NW.*

2. Off-street parking and loading areas where required, with particular attention to the items in “1” above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. *This SPU requires no additional parking.*

3. Refuse and service areas, with particular reference to the items in “1” and “2” above. *No additional refuse containers will be required.*

4. Utilities, with reference to locations, availability, and compatibility. *Project is served by rural water and septic system.*

5. Screening and buffering with reference to type, dimensions, and character. *No screening is required since the explosive storage magazines are inside of the building.*

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. *No additional signs are proposed.*

7. Required yards and other open spaces. *No additional space for yards or open space is required.*

8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses to the north and west is M-1: Light Industrial, County Agricultural to the east, and agricultural to the south.*

9. Use shall not impose a hazard to health or safety. *The applicant will need to be up to date to all licenses and are in good standing with the ATF.*

10. *The approval of the two indoor magazines of up to 50 lbs. in one building in the M-1: Light Industrial zone is contingent on BATFE’s approval of the magazines.*

Missouri Ridge Township has been notified of this SPU. Planning did not receive any comments from that board.

Applicant to provide copy of BATFE approval of these explosive storage containers; otherwise, this SPU, if approved by the Planning Commission, will not become effective until such approval is received from the BATFE.

**COMPLETION/RECORDATION REQUIREMENTS**

1. Recordation of Findings as attached
2. Applicant to provide copy of BATFE approval of these explosive storage containers; otherwise, this SPU, if approved by the Planning Commission, will not become effective until such approval is received from the BATFE.

Ryan Geltel, Attorney, and Scott Mathews of KLX spoke to the requirement that the City be provided a copy of the BATFE approval saying that they will not get any actual approval paperwork because once “you” already have a permit with the ATF you are basically giving them notice of your storage rather than asking for permission. Jarcik stated while that is understandable that staff would just ask for something from ATF showing that KLX is in good standing with the ATF. Geltel said that information was in the application submission packet and has been given, in person, to the Fire Chief by Scott Mathews.

Aafedt asked if there were any questions from the Commission or if there was a motion.

MOTION BY LONG, SECOND BY CHRISTENSEN to approve the Special Permitted Use request for storage of Industrial Explosives on Lot 9, Block 5, Missouri Ridge Commercial Park (13505 58th St. NW) City of Williston, contingent on proof of ATF permit. AYES: Hansen, Bauer, Eynon, Christensen, Long, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: None. ABSTAINED: None.

DATE OF NEXT REGULAR MEETING: July 17, 2017

MEETING ADJOURNED.

Kent Jarcik, Williston Planning Director
APPENDIX
TO THE JUNE 19, 2017 PLANNING AND ZONING
COMMISSION MEETING

1. Special Permitted Use request for storage of hazardous material in the proposed Highway Commercial Corridor (HCC) Zoning District, on a Tract in the NW1/4 NWNW, Sec. 29, T154N, R101W, in the City’s extra-territorial jurisdiction – Staff

2. Special Permitted Use request to run a right of way restoration business with 8 employees and maintain a residence on Agricultural zoned property located in the W1/2, SWSE, Sec. 20, T154N, R100W (218 37th Ave. SE), City of Williston – Tod Ammerman

3. Special Permitted Use request for storage of hazardous materials in M-2: Heavy Industrial Zoned property, future Lot 3R, Highway 7 Industrial Park, SWSW, Sec. 35, T155N, R101W, City of Williston – Creedence Properties

4. Special Permitted Use request for storage of Industrial Explosives on Lot 9, Block 5, Missouri Ridge Commercial Park (13505 58th St. NW), City of Williston – KLX Energy Services LLC
Main Street Initiative well underway in North Dakota

May 10, 2017

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DOWNTOWN FARGO. PHOTO COURTESY OF THE FARGO-MOORHEAD CONVENTION AND VISITOR'S BUREAU.

https://www.westernplanner.org/downtown-revitalization-articles/2017/5/10/main-street-in... 7/13/2017
North Dakota’s newly elected Governor Doug Burgum arrived to deliver the traditional State of the State address on January 3, 2017. The plow drivers in the City of Bismarck were still working overtime to clear the roads from a record snowfall, while state legislators convened in the capital city for the first day of the biennial legislative session. Governor Burgum was an outsider candidate, who, without any previous political experience, won a decisive victory in the Republican primary against the candidate endorsed by the party. Although the governor had outlined some themes of his agenda while running for office, citizens in attendance and following online listened carefully for insight into his vision for North Dakota.

During the half-hour address, the governor touched on a variety of topics, from responding to budget shortfalls to addiction treatment, but he also raised an issue that does not typically rise to the highest priority in rural states like North Dakota: the design and growth of cities. Two issues, in particular, were driving his interest, how density impacts the cost of providing public services and how urban design can attract talent and energy to a community.

First, he noted how the costs of providing infrastructure and municipal services can often be measured in terms of linear feet, and serving more people with the same public investment can yield significant cost savings. He also called out prior government decisions, such as siting a new school on the outskirts of a city, resulting in the unintended consequence of abetting costly low-density growth. “How we design and grow our cities has a huge impact on property taxes,” he said.

He also stated, “It takes safe, healthy cities with vibrant, walkable main streets and downtowns to attract and retain a skilled workforce.” Beyond simply keeping costs down, good urban design can make a city into a destination for young professionals, who are often choosing...
a place to live as much as they are choosing a job to work. Governor Burgum labeled these issues as his Main Street Initiative, and he promised more details to come.

Anyone with a passing familiarity with the new governor was probably not surprised by the announcement of the Main Street Initiative. It turns out that Governor Doug Burgum is not much different from businessman, philanthropist, or activist Doug Burgum. After spending the first couple decades of his career building a software company, selling it to Microsoft for nearly a billion dollars, and then staying with the tech giant as an executive, he eventually transitioned into the land development industry.

![THE FORMER NORTHERN SCHOOL SUPPLY BUILDING, NOW NORTH DAKOTA STATE UNIVERSITY'S RENAISSANCE HALL. SOURCE NDSU.](image)

This new pathway emerged when he found himself owning the historic but terribly dilapidated, Northern School Supply building in downtown Fargo. As he tells the story, the previous owner was preparing to demolish the building, and the City of Fargo was paying monthly rent in an attempt to forestall its demise when he offered to take the building and accept liability for $100,000. The owner happily divested, and Burgum got to work on $1.5 million in rehabilitation costs before donating the building to his alma mater North Dakota
State University. The building is now the downtown home for its School of Education. When Burgum was rehabilitating the Northern School Supply building, he used a brand-new statewide program called the Renaissance Zone to exempt property and state income taxes for the first five years after rehabilitation.

Burgum noticed something important about this project. The rehabilitation of the Northern School Supply building became more than just the reuse of a vacant old building. It was the revitalization of a district, drawing students and faculty from the university into the heart of Fargo. What started as a rather uneconomic endeavor that could only be undertaken by someone with a financial cushion to fall back on, became the catalyst for actual business opportunity. He formed Kilbourne Group in 2007 and started buying properties—warehouses, underutilized parking lots, and a vacant church, anything that needed a new life—in downtown Fargo.

Kilbourne Group has been part of a decade of revitalization in downtown Fargo that continues unabated. The total assessed value of properties in the downtown increased from around $197 million to over $600 million in the last 15 years, and several projects are in the final planning stages, including the $98 million 18-story mixed-use development known as Block 9. Nationwide organizations, such as the American Planning Association and Forbes Magazine, have heaped praise on the center of this locale previously known mostly for the eponymous Coen Brothers’ film. By all accounts, downtown Fargo is thriving, and other cities in North Dakota have taken notice.

While actively developing downtown Fargo properties, Burgum continued to hone his message and share it with groups in Fargo and other nearby communities. Before long he became North Dakota’s chief apologist for vital city cores, obviously passionate about their potential. The first time I heard him speak was his address as the keynote speaker at the 2014 North Dakota Downtown Conference at the Bismarck Heritage Center. His vision for the future is very much rooted in the past. I recall him showing black-and-white images of early downtown Fargo, teeming with life, before the push-and-pull forces of urban renewal and suburbanization slowly degraded it throughout the latter half of 20th Century. Just like restoring a beautiful old building into a contemporary office, he wanted to restore the traditional city for the 21st Century.
At the same time, he was starting to ask some pointed questions about the role of local government in the growth industry, employing language from the smart growth movement, albeit from the perspective of a businessman with decidedly conservative impulses. One evening in November of 2015, he paid a visit to the Fargo Planning Commission and challenged them to stop annexing new land for development, which had been the city’s practice in recent years. He questioned why a return-on-investment analysis is never performed for all of the public money spent on roads and pipelines extended out into the undeveloped fringes. He also asked for more flexibility in the zoning code to allow more options for the kinds of mixed-use commercial and residential buildings he was developing downtown.(5)

The Planning Commissioners responded with some good-natured debate and a fair amount of agreement with his proposals. Planning Commissioner Joe Gunkleman asked Burgum an interesting question. He noted that the corporate campus that Burgum built in the 1990s for his software company was in a suburban location, and he wondered if Burgum would have made the same locational decision today. Burgum acknowledged that many tech firms are now seeking urban office settings, both to respond to their employee’s preferences and to spur innovation through denser networks of interaction. He appeared to have changed his views over the course of his career.

When Burgum announced his candidacy for governor, it was unclear how much of a role his urbanist leanings would play in the statewide election. Fargo is the largest city in North Dakota. He was already popular in Fargo but had to win the confidence of residents living on ranches and small towns across the state. He was already revered as a leader in the state’s emerging technology sector, but he needed to prove his support for the dominant energy and agricultural industries as well. He often spoke of his hometown upbringing in Arthur, North Dakota (population 337), and stayed focused on the standard menu of positions one would expect of a Republican running for office in a red state.

It was only after he won the Republican primary in June of 2016 — and his ultimate victory the following November was all but assured — that he began to talk again about city growth and development. He started running television commercials the following October referring, fairly ambiguously at first, to a Main Street Initiative. The video was set in
the downtowns of Hazen, a mid-sized town in the coal-producing
area of North Dakota; Arthur Burgum’s small town roots; Casselton, a
small bedroom community outside of Fargo; and Fargo itself. He
emphasized the vision of "vibrant towns and cities across North
Dakota."

The breadth of this vision was really the central unresolved question.
By this time, most North Dakotans had become aware of the
downtown Fargo success story, and you could discern early evidence of
the same trends occurring in the larger cities like Grand Forks and
Bismarck. But how scalable was this initiative, really? One
characteristically snarky political blogger joked about a small town in
the Bakken oil patch with "its own olive oil shop, craft store, fine art
gallery and loft apartments."(6) While Burgum never promised any of
this, the subtext was still lingering: are the towns across the state to
become mini-Fargos?

This is where Brent Sanford, Burgum’s running mate and the state’s
new Lieutenant Governor, adds a layer of meaning to the initiative,
drawing from his experience as the mayor of Watford City, an oil
boomtown in the western reaches of the state. He announced the
Main Street Initiative in a letter to the editor of the Fargo Forum
newspaper, “As a mayor, I understand that every town faces different
challenges, and there is no top-down, one-size-fits-all solution to
economic success. However, I also recognize that what works in one
community can work in another, and with innovative programs and
forward thinking, we can work together to unlock the full potential of
North Dakota.”(7) With the messaging coming both from Fargo and
Watford City, most constituents could reasonably believe they fell
comfortably within this spectrum.

The Main Street Initiative has encountered some initial skepticism
from state legislators. Al Carlson, the Republican majority leader in the
North Dakota House of Representatives, raised doubts about whether
the initiative was aligned with the culture of his state. Carlson is a
Fargo-area contractor, who has been active for many years in the
state homebuilders association. He declared that North Dakotans
prefer to live in rural areas or less-dense suburban areas, rather than
more dense neighborhoods in the centers of cities.(8)

A cursory glance at census figures suggests that the governor and the
house majority leader could both be right at the same time. In 2010,
there were 5,900 people living within a half mile of the iconic Fargo Theatre in the heart of downtown, which represents about 20 percent of the population of Cass County. Burgum has suggested that the population of downtown Fargo could triple in size in the near future. Given that Cass County is adding about 4,300 people a year to its population, Burgum’s ambitious goal of downtown growth could be achieved even if a majority of newcomers still prefer to live in lower-density subdivisions. Burgum has stressed on multiple occasions that the initiative is essentially about market differentiation. Vital and growing downtowns can certainly coexist with neighborhoods of single-family homes and exurban hobby farms.

In practical terms, the Main Street Initiative is being implemented on two levels, local and statewide. The governor has already begun discussing strategy with mayors and city commissioners. In late December, only two weeks after he assumed the governorship, Burgum and Sanford convened a meeting with over a dozen mayors from around the state. Bismarck Mayor Mike Seminary and Mandan Mayor Tim Helbling, a city across the Missouri river from the capitol, both came away from this meeting with a sense of excitement and possibilities for their own communities. They were impressed with Burgum’s level of interest, his willingness to sit down for hours and listen to the issues they raised. Both mayors said they shared with the governor the same vision for vibrant, active downtowns and fiscally-responsible growth. Burgum is essentially using the stature of his office to encourage the Main Street Initiative discussion at the local level and to lend a sense of credibility to similar efforts that are already underway.

The second level of implementation is more directly tied to the governor’s role. He has asked the directors of the various state departments to evaluate how their policies and practices, including the allocation of state funds or federal pass-through funds, exert an influence on municipal growth and budgets. While the average person sometimes assumes that the prevailing patterns of development are purely a creation of the free market, city planners and other professionals have long understood that public policy decisions at all levels of government heavily influence the shape of cities. One of the stated purposes of the Main Street Initiative is to examine this influence, at least as it pertains to state government.
A study commissioned by Smart Growth America showed that state governments can save millions of dollars by taking a long-term maintenance, even while conditions of their existing systems are demonstrably deteriorating and financial liabilities are mounting. (10)

But if all costs and benefits are laid evenly on the table, local leaders can make financially prudent decisions about infrastructure that create the most long-term benefit for their communities. However, large sums of federal money are often granted to local communities only for the initial construction of infrastructure, with the critical caveat that the locals must accept all maintenance liability— a serious temptation for officials who may already be more positively disposed toward a ribbon-cutting ceremony than the completion of a mill-and-overlay project. This pressure can lead to sub-optimal investments and incur additional local maintenance responsibilities under already-strapped infrastructure budgets.

Workforce development is another important tenet of the Main Street Initiative, which is likely to draw upon the work of the State Department of Commerce. Burgum has appointed an entrepreneur in value-added agriculture, Jay Schuler, as the new director of this department. Schuler has spoken very favorably about the governor’s Initiative, calling North Dakota “a destination for people to move to.” He elaborated, “We’ve done some really wonderful things. Downtown Fargo has changed from when I went to school, now it’s the happening place. Doug Burgum’s idea is ‘How do we improve all the downtowns?’ I’m excited for that.”

Workforce development is perhaps uniquely important in North Dakota. The state consistently ranks among those with the lowest unemployment rates and highest labor force participation rates in the nation, and this is especially true for the major metropolitan areas. The current unemployment rate for Bismarck is 2.4 percent, and the Fargo metropolitan area is as low as 2.1 percent. Despite the well-known downturn in the state’s energy industry over the last few years, the overall job market remains very tight in North Dakota’s cities.

This economic reality puts considerable pressure on the state’s employers to recruit professionals and convince them to move from other places. Governor Burgum has referenced a fundamental shift underway in how people choose where to live, a phenomenon that has been studied by Richard Florida and others. Finding a job and then moving to the necessary place was once the norm, but now
many young professionals start with choosing the place and then finding a job there. In a keynote address to the state cabinet, Burgum said, "whether it's a restaurant, or an art gallery, or a downtown area, or a park, or a zoo, or something. You say, 'hey, this is why you would want to live here.'" Under this perspective, the practice of place making is as important to economic development as the traditional functions of recruiting major industries, business development, and job training.

The Department of Commerce manages the Renaissance Zone downtown incentive program. The Renaissance Zone is a statewide program in North Dakota that allows cities to offer five-year property and income tax exemptions in exchange for rehabilitation or new construction projects within a targeted area. Burgum’s Kilbourne Group and other businesses utilized this program on many occasions to revitalize downtown Fargo, and they have credited the targeted incentives with helping to make these complex and risky redevelopment projects more financially feasible. Although Governor Burgum has publicly spoken out in favor of this program, bills have been introduced in the 2017 state legislative session to either end or scale back the roughly 15-year old Renaissance Zone. It remains to be seen whether this program will be an integral part of the Main Street Initiative or not.

Another state institution with a stake in the Main Street Initiative is the Bank of North Dakota. The state-owned bank, the only one of its kind in the United States, manages the general funds of the state government and makes loans to further socially-beneficial purposes within the state, including the development of affordable housing. In an interview with President of the Bismarck-Mandan Chamber of Commerce, Governor Burgum indicated that an "180-degree turn" was ahead for the state bank, reorienting incentives away from Greenfield development and toward mixed-use infill.

Governor Burgum’s tenure in office is in the very beginning stages, and many functional details of the Main Street Initiative are still in process. However, it has become clear that the initiative is, in many ways, about the conversation itself, about elevating the issues of fiscally-responsible infrastructure, workforce development in a contemporary economy, and the creation of vibrant communities. In this respect, the Main Street Initiative is already well underway in North Dakota.
Endnotes

7. Sanford, Brent. "Main Street Initiative can unlock potential." Fargo Forum, October 19, 2016.
NEW BUSINESS ITEM 8A  MYGOV#17-0424

SPECIAL USE PERMIT: HEALTH CLUB IN M-1: LIGHT INDUSTRIAL ZONE AND REDUCTION OF REQUIRED PARKING FOR A HEALTH CLUB
PLANNER: CHING

APPLICANT
MITCH HUGHES (FULL CIRCLE STRENGTH SYSTEMS)

PROPERTY OWNER
JAMES A. AND STEVEN K. KIHLE

LOCATION/ADDRESS
301 26th STREET WEST, ALONG FRONTAGE ROAD

LEGAL DESCRIPTION
LOT 22 LESS W 147.65’ & LOT 23 LESS W 147’ & PT OF LOT 24 LESS E 7.5’ TO ALLEY, BLOCK 1 OF AIRPORT 1st ADD

PROPERTY SIZE
.7 ACRES

PROPOSED ENTITLEMENTS
1. SPU FOR AN OPERATION FOR A HEALTH CLUB IN M-1: LIGHT INDUSTRIAL
2. REDUCTION OF REQUIRED PARKING FOR A HEALTH CLUB

CURRENT ZONING
M-1: LIGHT INDUSTRIAL

SURROUNDING ZONING
North: HIGHWAY
South: M-1: LIGHT INDUSTRIAL
East: C-2: GENERAL COMMERCIAL
West: M-1: LIGHT INDUSTRIAL

CURRENT LAND USE
VACANT BUILDING

SURROUNDING LAND USES
North: HIGHWAY
South: INDUSTRIAL
East: BANK
West: INDUSTRIAL

ANALYSIS

APPLICATION
The applicant, Mitch Hughes (Full Circle Strength Systems), requests a special permitted use (SPU) to operate a health club in M-1: Light Industrial and a modification to reduce the total number of required parking spaces for a health club in Lot 22 less W 147.65’ & Lot 23 less W 147’ & part of Lot 24 less E 7.5’ to alley, Block 1 of Airport 1st Addition.

SPU FOR THE OPERATION OF A HEALTH CLUB IN M-1 ZONE
Commercial recreation uses, is defined as “a commercial recreational or Entertainment Use including but not limited to the following: bowling alley, miniature golf, skating rink, tennis club, handball or racquetball club, health club, pool hall, and arcade” is allowed by a Special Use Permit (SPU) pursuant to Section 22(E)(5) of the Williston Zoning Ordinance.

At the ad hoc meeting, it was discussed that the requirements of the SPU would require all of the required parking spaces to be paved and striped. Additionally, the drive aisle and parking area will need to be paved with hot-mix asphalt or concrete. This is a standard requirement for any new building, or any building adding the need for more than 6 parking spaces. The lot is currently paved to the north of the building while there is gravel on the east and south of the building. Planning staff requested the applicant provide a pavement plan to show where they are proposing to pave the drive aisle and parking area. In addition, planning staff recommended the applicant have perpendicular parking on the south side. This parking plan has been updated since the ad hoc meeting and can be found in your packet.
The proposed SPU appears to be compatible in this area as the properties to the east are zoned C-2: General Commercial. Commercial recreation use is a permitted use in C-2: General Commercial and C-3: Restricted Commercial.

**REDUCTION OF REQUIRED PARKING FOR A HEALTH CLUB**
Currently, the code parking ratio for a health club is 1 space per 100 square feet plus employee on the largest shift. With the existing parking ratio for a health club, the applicant would have to provide 77 parking spaces since the building is 7,200 square feet and there will be 5 employees on the largest shift.

The applicant is requesting 36 parking spaces as shown on the site plan. The applicant also provided their hours of operation and the usage patterns at their existing health club at another location in town. The applicant will be relocating their business to this proposed location. Based on the usage patterns at their current health club, they would need at least 35 parking spaces (25 to 30 customers plus 5 coaches) based on the hours of operation during peak hours during the morning from 5am to 8 am and during the afternoon from 5pm to 8pm. The majority of the customers will occupy the facility for 45 to 60 mins per session.

In the past the Planning and Zoning Commission has reduced the parking ratio for a health club due to how large the ratio number is and the fact that the ratio does not appear to be consistent with other zoning codes.

The 36 parking spaces that the applicant is requesting would be the same parking ratio for the parking reduction for Anytime Fitness that was approved by the Planning and Zoning Commission in October of 2015. Anytime Fitness requested a parking ratio of 1 space per 200 square feet for their health club, based on other health club parking space calculations of other cities in our region such as Fargo, Grand Forks, Minot, and Dickinson. By applying a parking ratio of 1 space per 200 square feet to this scenario, Full Circle Strength Systems would need 36 parking spaces (7,200 square feet / 200).

A smaller parking ratio is also consistent with the Unified Development Code (UDC) and *Planning Standards* that was published by the American Planning Association (APA).

The drafted version of the UDC dated November 4, 2015 provided the parking ratio for a personal service to be 1 space per 250 square feet. Personal service is defined as “provision of information, instructional, personal improvement and similar services of a nonprofessional nature as well as the provision of services of a personal nature. Typical uses include driving schools, health or physical fitness studio…” A copy of the list and definition are included in your packet.

*Planning Standards* by the APA provided variety of different cities’ parking requirements and majority of the cities require a smaller parking ratio for a health club then what we require. A copy of the list is included in your packet.

**PROPERTY HISTORY**
The applicant has applied for a building permit for a general office interior remodel and a building permit has been issued. Generally in order for the applicant to receive their building permit for a use that requires a Special Use Permit the SPU will need to be applied for and granted by the Planning and Zoning Commission. However, because this building permit was
for a general office interior remodel and not specifically for a gym, the building permit was issued.

WATER AND SEWER
This property is served by city water and sewer.

ACCESS
The property takes access from the frontage road.

SPECIAL USE PERMIT CONSIDERATIONS
As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. The property takes access from the frontage road.

2. Off-street parking and loading areas where required, with particular attention to the items in “1” above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. The applicant is providing 36 parking spaces as per the attached plan. All of the required parking spaces will need to be paved and striped. The drive aisle and the parking area will need to be paved with hot-mix asphalt or concrete.

3. Refuse and service areas, with particular reference to the items in “1” and “2” above. No additional refuse containers will be required.

4. Utilities, with reference to locations, availability, and compatibility. This property is served by city water and sewer.

5. Screening and buffering with reference to type, dimensions, and character. No screening or buffering will be required.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. A wall sign of 2 square feet per 1 feet of building frontage and a freestanding sign with a maximum size of 200 square feet is permitted in accordance with Ordinance 1062. These will be approved with a sign permit, separately.

7. Required yards and other open spaces. No yards or open spaces are required by Zoning Ordinance.

8. General compatibility with adjacent properties and other property in the district. Adjacent land uses are: Highway 2/85 to the north, C-2: General Commercial to the east, and M-1: Light Industrial to the south and west.

9. Use shall not impose a hazard to health or safety. The use should not impose a hazard to health or safety.

Findings are listed below for the Commissioner's consideration for the reduced parking spaces:
1. There are restrictions of topography, title, lot design, existing building footprint, or required access on the lot that prohibit the parking requirement from being met. The property is limited for additional parking due to the building being an existing building.

2. The applicant has maximized the space available on the lot to accommodate the required parking. The proposed parking fully utilizes the lot.

3. The proposed reduction of required parking meets the handicapped parking requirement. The required amount of parking per the Americans with Disabilities Act (ADA) is two ADA Accessible Spaces for facilities with 26-50 spaces; this will be in compliance.

4. The reduction of required parking shall not cause a recognizable impact on traffic or adjacent land uses. As demonstrated in the data from the usage patterns from the applicant’s existing health club and the parking space ratio from Planning Standards by the American Planning Association, and the Unified Development Code, it is not foreseen that the reduction in required parking would adversely affect surrounding traffic or adjacent land uses.

5. The reduced parking shall not adversely affect the public health, safety, and welfare. As mention in Question #4, the requested parking is in excess with the usage patterns from the applicant’s existing health club, and the parking space ratio from Planning Standards by the American Planning Association, and the Unified Development Code. It is not foreseen that the reduction in parking would adversely affect on public health, safety, or welfare.

6. Market data provided by the applicant for similar uses in similar situations justifies a parking demand commensurate with the proposed reduction of required parking, including the relationship of the building footprint to the lot size. The applicant has provided the usage patterns from their existing health club that indicates 36 parking spaces would be adequate during their peak hours.

(Ordinance 963 is attached for reference)

AD HOC
Ad hoc was held on June 29, 2017, attended by
City Staff: Kaitlin Decrescente, Dave Bell, Jason Catrambone, Kent Jarcik, Rachel Laqua, Josephine Ching, and Jeremy Miller
Planning and Zoning Commissioners: Cynthia Aafedt and Bob Eynon
Applicant: Mitch and Lacey Hughes

The applicant appeared in person.

STAFF COMMENT
Planning Department:
1. The Planning Department received comment from Commissioner Christensen whose business is to the west of this proposed SPU. He commented that he is OK with the proposed SPU and the reduced parking.
### ATTACHMENTS

1. Application  
2. Site Plan  
3. Draft SPU Findings  
4. Ordinance 963  
5. Supported Documents  
6. Locator Map

### COMPLETION/RECORDATION REQUIREMENTS

1. Recordation of Findings as attached  
2. All required parking spaces to be paved and striped  
3. The drive aisle and parking area to be paved with hot-mix asphalt or concrete

### RECOMMENDATION

The ad hoc recommendation was to:
- **Approve the application as presented, to allow the operation of health club in M-1: Light Industrial and the request for a reduced the total number of required parking spaces for a health club.**

<table>
<thead>
<tr>
<th>If the commission wishes to approve this application, the recommended motion would be:</th>
<th>If the commission wishes to approve this application with additional requirements, the recommended motion would be:</th>
<th>If the commission wishes to deny this application, the recommended motion would be:</th>
</tr>
</thead>
</table>
| To approve the special use permit to:  
1. Allow the operation of a health club in M-1: Light Industrial  
2. Reduce the total number of required parking spaces for a health club in Lot 22 less W 147.65' & Lot 23 less W 147° & part of Lot 24 less E 7.5' to alley, Block 1 of Airport 1st Addition as presented, contingent on recordation of the suggested findings and completion of recordation requirements. | To approve the special use permit to:  
1. Allow the operation of a health club in M-1: Light Industrial  
2. Reduce the total number of required parking spaces for a health club in Lot 22 less W 147.65' & Lot 23 less W 147° & part of Lot 24 less E 7.5' to alley, Block 1 of Airport 1st Addition as presented, as presented, contingent on recordation of the suggested findings, completion of recordation requirements, and ______________________. | To deny the special use permit to:  
1. Allow the operation of a health club in M-1: Light Industrial  
2. Reduce the total number of required parking spaces for a health club in Lot 22 less W 147.65' & Lot 23 less W 147° & part of Lot 24 less E 7.5' to alley, Block 1 of Airport 1st Addition, as presented. |
special use permit application.  
(sp) fee: $250

name of applicant: Mitch Hughes (Full Cycle Strength System)   phone: 701-570-9516
address: 34 14th St. West   (110x120) 58801   email: FullCycleStrengthSystemLLC@gmail.com

name of local agent:  NA   phone:  NA
address:  NA   email:  NA

owner of record (as it appears on deed)  John A. Klein   phone: 701-570-9491
address:  900 12th Street West   (110x120) 58801   email:  NA

project description
legal description: Lots 33,40,41,42,43,44,45 the W1/4 Sec 33, T 79 N, R 71 E, 7.5' to all
street address: 301 26th Street West   (110x120) 58801
lot dimensions: 190' x 143' 190' x 143'
existing zoning: PR-1 zone  existing land use: 
school district:  contiguous properties:

additional concurrent applications for this property:
total acreage: 

Has the Zoning Board of Adjustment granted any variance, conditional use, or special permit concerning this property?
short description:

relevant code section:

please submit
1. Site plan drawn to scale of lot, building and any other pertinent information, including adjoining lots and owners.
2. Survey map or subdivision plat, if necessary
3. Copy of deed of ownership
4. Letter from owner of record concurring with proposed zoning & allowing a representative to sign the application (in the event of corporate ownership, a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock must be attached)

applicant signature: Mitch Hughes   date: 6-27-7

3/21/13
Tuesday, June 06, 2017

On an average day, our facility shall expect approximately 15 customers per hour during non-busy hours (9am – 4pm), (9pm – 4am) and 25-30 customers during busy hours (5am – 8am), (5pm – 8pm). The majority of these customers will occupy the facility for 45-60 min per session.

Based on these figures we should only need up to 30 parking spaces plus an additional 5 for coaches, giving 35 parking spaces needed to operate out of the new location of 301 26th Street West. We are requesting a parking reduction from 72 to 35 spaces based on the 1 space per 100 sq ft standard for occupancy.

Thank you for your time and attention with this matter,

Mitch and Lacee Hughes
James Kihle, Steve Kihle

PO Box 1332

Williston ND 58802-1332

Re: Special Use Permit/ Building & Property at 301 W. 26th St. Williston ND 58801

To Whom It May Concern:

As owners of said Property, which Mitch Hughes, DBA Full Circle Strength Systems, LLC is leasing from us, we concur and acknowledge his application for a Special Use Permit from the City of Williston.

Please feel free to contact me, James Kihle at 570-4491 if there is any other information needed.

Thank You;

[Signature]

James Kihle 6-15-17

Owner
 Ordinance No. 963

An ordinance amending section 25 H: offstreet parking requirements and section 31: definitions of ordinance 613 of the City of Williston, also known as the zoning ordinance of the City of Williston, to update these sections in regard to modifications of required parking, the required parking ratio for office uses, the required parking ratio for warehouse uses, and related definitions.

Any owner of portable signs renting such signs on a regular basis may permit their signs for use at various business establishments. The application for the permit shall be made to the City Building Official and the permit fee, as established by resolution by the Board of City Commissioners, shall be paid prior to the issuance of the permit and at each renewal period.

A monthly report shall be provided to the Building Official for each sign licensed in this manner. The report shall include the following:

a. The name and address of the owner of the sign.
b. The present location of the business establishment renting each sign permitted.
c. The dates for which the sign has been rented.

H. Off-Street Parking Requirements.

Except in parking lot district No. 5 (Figure No. 9) of the City of Williston, no building shall be erected, enlarged to the extent of increasing the floor area, or changed in use unless there is provided on the lot, space for parking of automobiles as specified below.

Modifications of Required Parking

When the parking requirement for a use cannot be provided on the same lot as that use, the required parking may be modified on a case-by-case basis by the Planning and Zoning Commission to allow parking on a remote lot, shared parking, or reduction of the parking requirement.

Site Plan Required

In addition to any other application requirements, the application for a modification of required parking shall include a site plan depicting:

1. All existing and proposed buildings and all existing and proposed parking spaces on all lots affected by the proposed modification.
2. A schedule reflecting quantity and dimension of all parking spaces depicted on the site plan.
3. All areas between the lot containing the principal use and the remote lot, if applicable.
4. Dimension lines indicating the shortest straight-line route and the shortest walkable route between the lot the principal use is on and the remote lot.

Parking on a Remote Parking Lot

The Planning and Zoning Commission may grant permission to accommodate a portion of the required parking on a remote parking lot consistent with the following findings:

1. There are restrictions of topography, title, lot design, existing building footprint, or required access that prohibit the parking requirement from being met on the same lot as the principal use.
2. The property owner has maximized the space available on the lot that the principal use is on to accommodate the required parking.
3. The handicapped parking requirement is met on the lot that the principal use is on.
4. The parking on a remote parking lot shall not cause a recognizable impact on traffic or adjacent land uses of either the lot that the principal use is on nor the remote lot.
5. The parking on a remote parking lot shall not adversely affect the public health, safety, and welfare.
6. Parking spaces available on the remote parking lot are not required to satisfy the required parking for any other use.

Additional findings for shared parking by two separate uses:
1. The normal peak parking times of the two uses do not coincide.
2. Only the off-street parking spaces not normally used by the off-peak use shall be counted as off-street parking for the peak use.
3. Each use shall have the total required off street parking available during their respective periods of peak parking use.

Parking spaces on a remote parking lot, including shared parking spaces, shall be:
1. Secured by a lease to be in effect as long as the principal use exists;
2. Covered by an agreement providing for the maintenance of the parking spaces; and
3. Posted with permanent signage identifying the principal use that the parking spaces are reserved for.

REDUCTION OF REQUIRED PARKING
The Planning and Zoning Commission may grant permission for a reduction of required parking consistent with the following findings:
1. There are restrictions of topography, title, lot design, existing building footprint, or required access on the lot that prohibit the parking requirement from being met.
2. The applicant has maximized the space available on the lot to accommodate the required parking.
3. The proposed reduction of required parking meets the handicapped parking requirement.
4. The reduction of required parking shall not cause a recognizable impact on traffic or adjacent land uses.
5. The reduced parking shall not adversely affect the public health, safety, and welfare.
6. Market data provided by the applicant for similar uses in similar situations justifies a parking demand commensurate with the proposed reduction of required parking, including the relationship of the building footprint to the lot size.

Reduction of required parking may be granted by the Planning and Zoning Commission as:
1. Reduction of the required parking ratio, or
2. Reduction in the total number of required spaces

A modification of required parking shall end upon the change or termination of the use for which the modification was granted.

All modifications of the parking requirement shall be memorialized by recording the decision and findings of the Planning and Zoning Commission in the County Recorder's office.

Parking area shall be so designed that vehicles may enter, circulate, park, and exit in a convenient and orderly fashion. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way. The minimum size of each parking stall shall be, 9.5 feet by 18.5 feet, exclusive of aisle width. For any parking area of six or more cars, a suitable means of turnaround must be provided at maximum design capacity so no vehicle shall back onto public streets or alleys. Minimal dimensional requirements for the design of parking area are shown in Table 1 and on Figure 8.
In Parking Lot District No. 5 of the City of Williston, any use which is expanded or converted to another use requiring additional parking shall meet the following requirements:

1. Provide the number of parking spaces which is required of the particular use as stated herein, or;
2. Contribute a set fee to the Parking Authority (the amount to be determined by the Parking Authority) but not to exceed 5 percent of the construction costs of the new or expanded use. The Parking Authority will use this fee to provide additional parking in the district to meet the needs of the public.

Reference herein to "employee(s) on the largest shift" means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

The term "capacity", as used herein, means the maximum number of persons which may be accommodated by the use as determined by its design or by building or fire code regulations, whichever is greater.
TABLE 1 - PARKING LOT REQUIREMENTS FOR 9.5 FOOT STALLS AT VARIOUS ANGLES

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>ON DIAGRAM</th>
<th>MINIMUM DIMENSIONS (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stall Width, parallel to aisle</td>
<td>A</td>
<td>13.4 11.0 9.8 9.5</td>
</tr>
<tr>
<td>Stall Length of Line</td>
<td>B</td>
<td>25.0 22.0 20.0 18.5</td>
</tr>
<tr>
<td>Stall depth</td>
<td>C</td>
<td>17.5 19.0 19.5 18.5</td>
</tr>
<tr>
<td>Aisle width between stall lines</td>
<td>D</td>
<td>11.0 15.0 22.0 25.0</td>
</tr>
<tr>
<td>Stall depth, interlock</td>
<td>E</td>
<td>15.3 17.5 18.8 18.5</td>
</tr>
<tr>
<td>Module, edge of pavement to interlock</td>
<td>F</td>
<td>44.8 51.5 60.3 62.0</td>
</tr>
<tr>
<td>Module, interlocking</td>
<td>G</td>
<td>42.0 50.0 60.0 62.0</td>
</tr>
<tr>
<td>Module, interlock to curb face</td>
<td>H</td>
<td>42.8 49.2 57.8 59.5</td>
</tr>
<tr>
<td>Bumper overhang (typical)</td>
<td>I</td>
<td>2.0 2.3 2.5 2.5</td>
</tr>
<tr>
<td>Offset</td>
<td>J</td>
<td>6.3 2.7 0.5 0.0</td>
</tr>
<tr>
<td>Side and rear yard setback</td>
<td>K</td>
<td>Residential &amp; C-1 Districts: 5 feet Other Districts: None</td>
</tr>
<tr>
<td>Cross aisle, one-way</td>
<td>L</td>
<td>14.0 14.0 14.0 14.0</td>
</tr>
<tr>
<td>Cross aisle, two-way</td>
<td></td>
<td>24.0 24.0 24.0 24.0</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>M</td>
<td>As required for building in all districts except C-3. C-3 Districts: None</td>
</tr>
<tr>
<td>Setback from principal building</td>
<td>N</td>
<td>Residential Districts: 10 ft Other Districts: 5 ft.</td>
</tr>
<tr>
<td>Front lot line to drive (landscape area)</td>
<td>O</td>
<td>Residential &amp; C-1 Districts: 10 ft Other Districts: None</td>
</tr>
<tr>
<td>Side and rear lot line to drive (landscape area)</td>
<td>P</td>
<td>Residential &amp; C-1 Districts: 5 ft. Other Districts: None</td>
</tr>
</tbody>
</table>
FIGURE 8.
PARKING LAYOUT DIAGRAM
FIGURE 9 – PARKING DISTRICT NO. 5
Any use not specifically mentioned below shall meet the requirements for uses most clearly related as determined by the Building Official.

The number of off-street parking spaces which shall be required are as follows:

1. Agricultural Support Uses - One space per employee on the largest shift, plus one space per 200 square feet of gross floor area provided for customer sales and service operations.

2. Residential Uses:
   a. Single-Family and Multi-Family Dwellings - Two spaces per dwelling.
   b. Efficiency Apartment Units - One space per dwelling unit.

3. Institutional, Recreational, and Special Residential Uses:
   a. Camps (Day or Youth): One space per employee on the largest shift, plus one space per camp vehicle normally stored on the premises.
   b. Church: One space per four seats of maximum capacity.
   c. Community and Recreation Center: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, plus one space per employee on the largest shift.
   d. Day or Nursery School, Child care Facility: One space per teacher/employee on the largest shift, plus one space per ten students for loading and unloading.
   e. Group Dwellings, Fraternity or Sorority, Boarding or Lodging Houses: One space per bedroom or sleeping room, unless it can be demonstrated that occupants will not be driving.
   f. Libraries and Museums: One space per 350 square feet of floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest shift.
   g. Monasteries, Convents: One space per six residents, plus one space per employee on the largest shift, plus one space per five chapel seats if the public may attend.
   h. Nursing Homes: One space per six patient beds, plus one space per employee on largest shift.

Schools:
   i) Elementary and Junior High: One space per teacher and staff member.
   ii) Senior High: One space per teacher and staff member on largest shift, plus one space per five non-bused students.
   iii) College, Trade and Vocational: One space per staff member of the largest shift, plus one space per four students of the largest class attendance period.
   j. Swimming Facility: One space per 100 square feet of gross water area, plus one space per employee on the largest shift.
   k. Tennis, Racquetball, Handball Courts - Two spaces per court, plus one space per employee on the largest shift.
l. Bowling Alley: Three spaces per lane, plus one space per employee on the largest work shift.

m. Marina: One and one-half spaces per berth. At least 10 percent of the space must be large enough to accommodate cars with trailers.

n. Miniature Golf: One space per hole, plus one space per employee on the largest work shift.

o. Outdoor Theater: One space per four patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capacity.

p. Skating Rink, Ice or Roller: One space per 300 square feet of gross floor area.

q. Health Club: One space per 100 square feet of gross floor area, plus one space per employee on the largest shift.

r. Golf Courses: Five spaces per hole.

s. Other Commercial Recreational Uses: One space per four patrons to the maximum capacity of the facility, or one space per 250 square feet of gross floor area, whichever is more appropriate.

4. Commercial and Entertainment Uses, Except as Specifically Designated Below: One space per 250 square feet of gross floor area of customer sales and services, plus one space per 250 square feet of storage and/or office gross floor area.

a. Banks: One space per 400 square feet gross floor area, plus five spaces off-street waiting (loading) spaces per drive-in lane, plus one space per employee on the largest shift.

b. Eating and Drinking Establishments: One space per four patron seats or one space per 100 square feet of gross floor area, whichever is greater, plus one space per employee on the largest shift.

c. Fast Food Establishments:
   i) With Seating: One space per three patron seats, plus one space per employee on the largest shift.

   ii) Without Seating: One space per 200 square feet of gross floor area, plus one space per employee on the largest shift.

d. Funeral Home: One space per four patron seats or 25 spaces per chapel unit, whichever is greater.

e. Grocery or Supermarket: One space per 200 square feet of gross floor area or customer sales and service, plus one space per 200 square feet gross floor area of storage.

f. Hospital: One space per three patient beds, plus one space per staff doctor and per employee on the largest shift.

g. Hotel or Motel: One space per room or suite, plus 50 percent of the spaces otherwise required for accessory uses, e.g. restaurants and bars.

h. Private Clubs and Lodges: Required parking spaces are to be determined by the specific uses associated with the facility.
i. Repair Services: A minimum of three spaces shall be provided for the first 2,000 square feet of gross floor area, plus one additional space for each 1,000 square feet of gross floor area thereafter, plus one space per employee on the largest shift.

j. Furniture and Home Furnishings Stores: One space per 1,000 square feet of gross floor area.

k. Self-Service Laundry: One space per four machines.

l. Assembly or Exhibition Hall, Sports Arenas, Theaters, and Auditoriums: One space per five patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by a facility's providing written proof that it has the use of a nearby parking lot available to its patrons, e.g. by contractual agreement.

m. Taverns, Dance Halls, Night Clubs, and Lounges: One space per 50 square feet of gross floor area, plus one space per employee on the largest shift.

n. Vehicle Sales: One space per 1,500 square feet of gross floor area.

o. Vehicle Repair and Maintenance Services: One space per 400 square feet of gross floor area, plus one space per employee on the largest shift.

p. Games of Chance Operations: One space per three patron seats.

5. Professional Office Uses, Except as Specifically Designated Below: One space per 250 square feet of gross floor area.
   a. Beauty and Barbershops: Two spaces per operator, plus one space per employee on the largest shift.
   b. Medical Offices and Clinics: Five spaces per doctor, plus one additional space per employee on the largest shift.

6. Industrial Uses, Except as Specifically Designated Below.
   One space per employee on the largest shift, plus one space per company vehicle regularly stored on premises.
   a. Veterinary Office: Three spaces per doctor, plus one space per employee on the largest shift.
   b. Adult Entertainment Center: One space per employee on the largest shift, plus one space per 150 square feet of gross floor area.
   c. Warehouse: One space per 1,000 square feet of gross floor area used as a warehouse.

7. Nursery Uses: One space per employee on the largest shift, plus one space per 500 square feet gross floor area of inside sales or display.

8. Handicapped Parking: All parking lots must have a minimum of one designated handicapped space for each 50 required parking spaces. Each handicapped parking space shall be a minimum of 12 feet by 18.6 feet and shall be properly striped, signed, and posted.

Property within R-1, R-2, R-3, R-4, R-5, R-6, R-7, C-1, C-2 and C-3 zoned areas of the city limits accessing a paved street or alley must pave with a hard surface all parking areas, whether used for temporary or long-term vehicle storage, driveways and driving aisles for all new-construction or any property change in use or expansion which results in increased parking demand or when required as a special permitted use or as required by state or federal law. Property located in M-1, M-2 and M-3 zoned areas of the city limits accessing a paved street or alley must pave, with a hard surface, all driveways accessing the building and/or employee parking lots. Other driveways accessing the property from paved streets or alleys must be paved with a hard surface from the
street surfacing to the property line and all traffic aisle width into the property a minimum of 20 feet in length. All long-term vehicle storage which directly access a public street or hard surface alley by a driveway or driving aisle shall have an approved surface. All required lot surfacing shall be done at the time the occupancy permit is issued unless a letter of credit, certified check, or other sufficient surety is placed with the city guaranteeing performance of the paving. All parking spaces and required parking lots must be individually designated through painting or signing.

In order to prevent the establishment of a greater number of parking spaces than actually needed to meet the particular needs of those large uses over 250,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

1. A maximum reduction of one parking space per every 1000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The land development plan shall indicate the location and dimensions of the parking area provided.

2. Sufficient area must be reserved to provide for the total number of off-street parking spaces required by SECTION 25.H. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. This reservation shall be provided for by deed-restricting that portion of the site required to provide for the total number of parking spaces on the same property as is being proposed for development. The reserved parking area shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this ordinance. The developer shall provide a landscaping plan for the reserved area.

3. The developer shall enter into written agreement with the City of Williston that the additional parking spaces, up to the total spaces required, shall be provided at the owner's expense should the Building Official determine that the required parking spaces are necessary to satisfy the needs of the particular use pursuant to the standards imposed by this ordinance.

I. Off-Street Loading Requirements. No building or structure other than residences shall be erected, nor shall any existing building or structure be altered in any use district without prior provision for off-street loading space in conformance with the following minimum requirements:

1. Required off-street loading space shall be provided in berths which conform to the following minimum specifications:
   a. Type "A" loading spaces shall be at least 160 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions.
   b. Type "B" loading spaces shall be at least 30 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions.
   c. Type "C" loading spaces shall be located in the rear of a lot and utilize part of any adjacent alley. The building setback shall be a minimum of five feet from the property line along the alley for the entire width of the lot.

2. The following types of berths shall be provided for the specified uses; these uses shall include all structures designed, intended, or arranged for such use:
   a. Type "A" loading spaces: Manufacturing or wholesale establishments, warehouses, freight terminals, department stores, and food markets.
   b. Type "B" loading spaces: Auditoriums, assembly halls, schools, hospitals,
nursing homes, office buildings, hotels, and motels.

c. Type "C" loading spaces: Retail establishments, restaurants, funeral homes, and commercial establishments not otherwise specified.

3. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned use which, in the opinion of the Building Official, is most similar.

4. When any proposed structure will be used concurrently for different purposes, the larger berth size shall be required.

5. The off-street loading facilities required for the uses mentioned in this section shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.

6. No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street, except in the case of Type "C" berths. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front, side, or rear yard may be used for loading unless otherwise prohibited by this ordinance. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the Building Official.

7. The Building Official may modify the off-street loading requirements as they apply to any individual case only for good cause, and he shall set reasonable safeguards and conditions to insure that any such modification conforms to the intent of this title. Modification may be granted if it is demonstrated to the satisfaction of the Building Official that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.

8. The owners of the property shall provide, locate, and maintain loading signs as specified by the Building Official. Such signs shall not be counted against otherwise allow sign area.

I. Lots not Served by a Water Supply System and a Waste Water Treatment Plant: A lot not served by a water supply system and a waste water treatment plant as defined in this ordinance, shall have a minimum lot area of one-half acre, except where a more restrictive minimum lot area is set forth in the district regulations.

K. Pools. Any body of water in an artificial or semi-artificial receptacle or other container located outdoors which is constructed below grade shall be required to obtain a building permit and shall be enclosed with a tight fence of wood or other smooth material, or a chain link fence, not less than eleven gauge. Such fence shall be a minimum of six feet in height. Fences shall be placed within one-half inch of the ground. Openings into the pool areas shall be only through a self-closing and self-locking gate. Residential district swimming pools shall be allowed in side and rear yards only. Side and rear yard setbacks shall be a minimum of six feet and a minimum setback often feet shall be maintained between the swimming pool and the principal structure.

Any body of water in an artificial or semi-artificial receptacle or other container located
Section 31- Additional Amended Definitions:

PARKING ON A REMOTE LOT: A modification of required parking that allows a principal use to meet its parking requirement on a remote parking lot.

SHARED PARKING: A modification of required parking that allows two separate principal uses whose normal peak parking times do not coincide to meet their individual parking requirements by sharing parking spaces on one or more parking lots.

REDUCTION OF REQUIRED PARKING: A modification of required parking that allows a principal use to have either a reduced parking ratio or a reduction in the overall number of required parking spaces.

REMOTE PARKING LOT: An area not within a building where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking used to meet the parking requirement of a principal use that is located a lot other than the lot on which the principal use is located.

WAREHOUSE:
a) That portion of a commercial or industrial building occupied by a service-oriented use that is used exclusively for storage of products or materials used or sold by that use.

b) A commercial or industrial building with the majority of the square footage used exclusively for the storage of products or materials sold or distributed by the principal use in that building. Area used for storage of products or materials within a building in which the principal use is retail sales is not included in this definition.

Commissioner Bekkedahl moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Cymbaluk. On roll call vote of the Commissioners, the following Commissioners voted AYE: Cymbaluk, Bogar, Bekkedahl, Klug and Koeser, and the following Commissioners voted NAY: None. Absent and not voting: None.

WHEREPON, the motion was passed and the Ordinance declared adopted this 23rd day of April, 2013.

ATTEST:

APPROVED:

John Kautzman
City Auditor

E. Ward Koeser
President of Commission

FIRST READING: April 9, 2013
SECOND READING: April 23, 2013
PUBLISHED: March 31, 2013 and April 7, 2013
hazardous waste processing facility (see industrial uses)

hazardous waste transfer facility
- 1 space per employee on the largest shift (Spartanburg, S.C., pop. 39,673)
- 1 per employee (San Antonio, Tex., pop. 1,144,646)

head shop (see also retail use, unless otherwise specified; tattoo parlor/body-piercing studio)
  Minimum: 1 per 300 square feet of gross floor area
  Maximum: 1 per 200 square feet of gross floor area (San Antonio, Tex., pop. 1,144,646)

health care facility (see also clinic; hospital; medical office; sanitarium)
- Specialized care facilities: 0.5 of 1 parking space for each bed. Minimal care facilities: 0.7 of 1 parking space for each dwelling unit. (Scottsdale, Ariz., pop. 202,705)
- 1 parking space is required for every 4 beds, based upon maximum capacity (Anchorage, Alaska, pop. 260,283)
- 1 space for each 2 beds licensed by the regulatory agency (San Fernando, Calif., pop. 23,564)

health club (see also gymnasium; recreation facility uses)
- With playing court, 1.8 per each playing court; viewing area, 1 per each 4.4 seats; 9.6 feet of bench, length, or 31 square feet of gross floor area; locker room, sauna, whirlpool, weight room, or gymnasium, 1 per each 83 square feet of gross floor area; lounge or snack bar area.
- 1 space for each 3 occupants based on maximum design capacity as determined by the fire codes (Lansing, N.Y., pop. 10,521)
- 1 space per 100 square feet floor area gross (including all aboveground and below ground floors) (Raleigh, N.C., pop. 276,093)
- 1 parking space per 200 square feet of exercise area (Frisco, Tex., pop. 33,714)
- 1 space per 4 persons based on the maximum allowable occupancy (Provo, Utah, pop. 105,166)
- 1 per 300 square feet of floor space (Arlington, Mass., pop. 42,385)
- 1 per 150 square feet of gross floor area (Columbia, Mo., pop. 84,531; Las Cruces, N.Mex., pop. 74,267)
- 1 space per 200 square feet (Lexington, Ky., pop. 40,236)
- 3 per 1,000 square feet (Hickory, N.C., pop. 37,222)
- 10 per 1,000 square feet of gross floor area (Jefferson County, Colo., pop. 527,058)
  Minimum: 4 spaces per 1,000 square feet of floor area
  Maximum: 5.4 spaces per 1,000 square feet of floor area (Gresham, Ore., pop. 90,265)
- Minimum: 1 space for each 300 square feet of gross floor area
  Maximum: 1 space for each 100 square feet of gross floor area (Jefferson County, Ky., pop. 693,604)
- Minimum: 1 per 250 square feet of gross floor area
  Maximum: 1 per 150 square feet of gross floor area (Glenville, N.Y., pop. 28,183)

1 per each 66 square feet of gross floor area; pro shops or sales area, 1 per each 339 square feet of gross floor area; swimming pool, 1 per each 220 square feet of pool surface area (Eugene, Ore., pop. 137,893)
- 1 space per 4 persons based on the maximum allowable occupancy (Provo, Utah, pop. 105,166)

Bicycle Parking Standard: 0.4 spaces per 1,000 square feet of floor area (Gresham, Ore., pop. 90,265)
Bicycle Parking Standard: 1 per 20 vehicle spaces which are 1 per 200 square feet (Grand Junction, Colo., pop. 41,498)
<table>
<thead>
<tr>
<th>Commercial Use Types</th>
<th>Minimum Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Sales/Services</td>
<td>See Schedule A</td>
</tr>
<tr>
<td>Auto and Equipment Rental and</td>
<td></td>
</tr>
<tr>
<td>Sales, Equipment Repair</td>
<td>See Schedule A</td>
</tr>
<tr>
<td>Auto Service*</td>
<td>4 times service capacity</td>
</tr>
<tr>
<td>Body Repair*</td>
<td>5 spaces per repair stall</td>
</tr>
<tr>
<td>Business Support Services</td>
<td>1 space per 500 square feet</td>
</tr>
<tr>
<td>Campground</td>
<td>1 space per camping unit</td>
</tr>
<tr>
<td>Cocktail Lounge</td>
<td>1 space per 75 square feet of gross floor area</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>1 space per 4 capacity, 4 spaces per lane</td>
</tr>
<tr>
<td>Communication Services</td>
<td>1 space per 500 square feet</td>
</tr>
<tr>
<td>Construction Sales</td>
<td>See Schedule A</td>
</tr>
<tr>
<td>Consumer Services</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Convenience Storage</td>
<td>1 space per 20 storage units</td>
</tr>
<tr>
<td>Equipment Sales/Service</td>
<td>See Schedule A</td>
</tr>
<tr>
<td>Food Sales (All Types)</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>General Retail Services</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Liquor Sales</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Lodging, Bed, and Breakfast</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>Personal Improvement</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Personal Services</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Pet Services</td>
<td>1 space per 500 square feet</td>
</tr>
<tr>
<td>Restaurant (Drive-In)</td>
<td>1 space per 75 square feet of customer service area</td>
</tr>
<tr>
<td>Restaurant (General)</td>
<td>1 space per 3 person capacity in dining area</td>
</tr>
<tr>
<td>Stables/Kennels</td>
<td>1 space per 250 office or service area + 1 stall per 5,000 square feet of site area</td>
</tr>
<tr>
<td>Surplus Sales</td>
<td>See Schedule A</td>
</tr>
<tr>
<td>Trade Services</td>
<td>See Schedule A</td>
</tr>
<tr>
<td>Travel Centers</td>
<td>1 space per 250 square feet in building plus additional for other uses, (ex. Restaurants)</td>
</tr>
<tr>
<td><strong>UDC Draft 24 Nov 15</strong></td>
<td><strong>1 space per 250 square feet in building + 1 space for each fueling station</strong></td>
</tr>
<tr>
<td>Truck Stop</td>
<td></td>
</tr>
<tr>
<td>Veterinary Services</td>
<td>1 space per 500 square feet</td>
</tr>
</tbody>
</table>
general items, but excluding the accessory sale of fuel for motor vehicles.
Typical uses include delicatessens, meat markets, retail bakeries, candy shops,
and small grocery stores.

(3) General Food Sales: Establishments selling a wide variety of food commodities,
related items, and often providing a variety of non-food goods and services,
using facilities larger than 10,000 square feet. Typical uses include large
grocery stores.

(o) Funerals: Preparing the human dead for burial, and arranging and
managing funerals. Typical uses include funeral homes or mortuaries and crematories.

(p) Gaming Facilities: Establishments engaged in the lawful, on-site operation of
games of chance that involve the risk of money for financial gain by patrons. Gaming
facilities shall comply with the provisions of Chapter 53-06.1 of the North Dakota
Century Code. If the use includes the accessory sale of liquor and food, such use shall
conform to regulations of the City of Williston and/or the State of North Dakota.

(q) Kennels: Housing, grooming, breeding, boarding, training, or selling as a
commercial enterprise more than two dogs or other domesticated animal more than one
year old. The keeping and selling of one litter or offspring per year of a family pet shall
not be deemed to be a kennel.

(r) Laundry Services: Provision of laundering, cleaning or dyeing services other
than those classified as Personal Services. Typical uses include bulk laundry and
cleaning plans, diaper services, or linen supply services.

(s) Liquor Sales: Retail sale for off-premise consumption of alcoholic beverages.
Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer
or wine for off-site consumption.

(t) Lodging: Provision of room and/or board, but not meeting the classification
criteria of Bed and Breakfasts. Typical uses include hotels and motels.

(a) Personal Services: Provision of informational, instructional, personal
improvement and similar services of a nonprofessional nature as well as the provision of
services of a personal nature. Typical uses include driving schools, health or physical
fitness studios, music schools, spa, dance studios, handicraft and hobby instruction,
beauty and barber shops; tattoo businesses; seamstress, tailor, or shoe repair shops;
photography studios; or dry cleaning stations serving individuals and households; and
Personal Services include establishments providing massage or massage therapy carried
out by persons licensed by the State of North Dakota or persons performing massage
services under the direction of a person so licensed; or persons performing massage
services or therapy pursuant to the written direction of a licensed physician.

(v) Pet Services: Retail sales, incidental pet health services, and grooming and
boarding, when totally within a building, of dogs, cats, birds, fish, and similar small
animals customarily used as household pets. Typical uses include pet stores, small

UDC Draft 24 Nov 15
Special Use Permit: Operation of a Health Club in M-1: Light Industrial Zone
**SPECIAL USE PERMIT: STORAGE OF HAZARDOUS MATERIALS IN M-2 ZONE**

**PLANNER:** MILLER

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PROPERTY OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>NALCO COMPANY, LLC</td>
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</table>

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS</th>
<th>LEGAL DESCRIPTION</th>
<th>PROPERTY SIZE</th>
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<tbody>
<tr>
<td>148066 51ST ST. NW</td>
<td>LOT 2 EX. STATE, BLOCK 1 OF THE BENNETT INDUSTRIAL PARK THIRD ADDITION SUBDIVISION</td>
<td>2.05 ACRES</td>
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<table>
<thead>
<tr>
<th>PROPOSED ENTITLEMENTS</th>
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</thead>
<tbody>
<tr>
<td>SPU TO STORE HAZARDOUS MATERIALS</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>CURRENT ZONING</th>
<th>SURROUNDING ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-2: HEAVY INDUSTRIAL</td>
<td>NORTH: COUNTY AGRICULTURE</td>
</tr>
<tr>
<td></td>
<td>SOUTH: M-2: HEAVY INDUSTRIAL</td>
</tr>
<tr>
<td></td>
<td>EAST: M-2: HEAVY INDUSTRIAL</td>
</tr>
<tr>
<td></td>
<td>WEST: M-2: HEAVY INDUSTRIAL</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>CURRENT LAND USE</th>
<th>SURROUNDING LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNDEVELOPED</td>
<td>NORTH: COUNTY MDU CREW CAMP</td>
</tr>
<tr>
<td></td>
<td>SOUTH: UNDEVELOPED</td>
</tr>
<tr>
<td></td>
<td>EAST: UNDEVELOPED</td>
</tr>
<tr>
<td></td>
<td>WEST: UNDEVELOPED</td>
</tr>
</tbody>
</table>

**ANALYSIS**

**APPLICATION**
The applicant, Nalco Company, LLC, requests a special permitted use (SPU) to store hazardous materials on Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision.

Storage of hazardous materials, subject to locally adopted Fire Code and State Building Code Regulation is allowed by a special permitted use (SPU) pursuant to section 23(C)(2)(M) of the Williston Zoning Ordinance.

There is a 3-sided building proposed to be built on the property. The inside storage area will be 85’ x 120’ with a containment capacity of 39,025 gallons. An outside area south of the proposed building will be used for tote filling, overnight truck storage, and tote/drum unloading. The outside storage area will be 12,700 square feet with a containment capacity of 42,534 gallons. Both areas will be 8” thick concrete sloped to the two sumps located in the centers of each area.

Bob Kiser from the Fire Department commented that the Fire Department is OK with the SPU as long as the spill containment meets NFPA 30 and IFC/EPA requirements, fire protection is in place, a fire evacuation plan is developed and published, employees working on the property
where the hazardous materials are handled/stored must be trained to the plan prior to occupancy, and proper signage to NFPA 704 applied to each side of complex.

Following the Ad Hoc meeting, the applicant had stated the area south of the 3-sided building may be used for outside storage. If this area is used for outdoor storage, the applicant will need to meet screening requirements for areas visible from the road, in accordance with Ordinance 1007. The details of the screening will be worked out through the building permit process.

PROPERTY HISTORY
This property was originally subdivided within the County and came into the city’s one-mile extra-territorial jurisdiction (ETJ) May of 2015.

The applicant has applied for a building permit that will require an SPU. Since the primary use of the 3-sided building will be to store hazardous materials, the applicant must apply for and receive an SPU to store hazardous materials on the property prior to being issued a building permit.

ZONING COMPATIBILITY
The surrounding properties area zoned M-2: Heavy Industrial.

WATER AND SEWER
There is a rural water line that is available along Bennet Loop and the property has a septic system.

FIRE/DES
At the Ad Hoc meeting, the Fire Chief expressed some concerns with spacing for chemicals and water flow capability. The Fire Chief mentioned possible amounts of on-site water storage due to the lack of pressure the rural water line on Bennet Loop provides. The closest water source is south near the bypass. Tom Fleming asked if the city had any intentions to run water lines out to the property. Bob Hanson stated that there are no intentions from the city to provide water lines or hydrants out into that area.

After the Ad Hoc meeting, the Fire Chief spoke with the applicant and has no additional concerns. Fire will not require any additional fire protection on this site. The hazardous materials storage will need to meet applicable codes for the types and quantities stored on site. The Fire Department recommends approval.

TOWNSHIP APPROVAL
Williston Township has approved this SPU.

SPECIAL USE PERMIT CONSIDERATIONS
As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. The property will take access from 51st Street NW.

2. Off-street parking and loading areas where required, with particular attention to the items in “1” above and the economic, noise, glare, or odor effects of the special permitted use
on adjoining properties and properties generally in the district. *This SPU requires no additional parking.*

3. Refuse and service areas, with particular reference to the items in “1” and “2” above. *This use will not affect the current refuse and service areas.*

4. Utilities, with reference to locations, availability, and compatibility. *There is a rural water line that is available along Bennet Loop and the property has a septic system.*

5. Screening and buffering with reference to type, dimensions, and character. *Any outdoor storage areas will need to be screened from the right of way in accordance with Ordinance 1007.*

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. *No additional signs are proposed.*

7. Required yards and other open spaces. *No yards or open spaces are required by Zoning Ordinance.*

8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses to the south, east, west are M-2: Heavy Industrial and County Agricultural to the north.*

9. Use shall not impose a hazard to health or safety. *The storage of the hazardous materials noted in the application within the proposed containment plan has been approved by the Fire Marshall. The applicant will have to meet the requirements of NFPA 30, NFPA 704, and IFC/EPA requirements in accordance with the Fire Department requirements.*

**AD HOC**
Ad hoc was held on June 29, 2017, attended by
City Staff: Kaitlin Decrescente, Bob Hanson, Jason Catrambone, Kent Jarcik, Rachel Laqua, Josephine Ching, Jeremy Miller, and Dave Bell
Planning and Zoning Commissioners: Cyndy Aafedt and Bob Eynon
Applicant: Emilio Ramos and Tom Fleming

**ATTACHMENTS**
1. Application
2. Site Plan
3. Containment Plan
4. Draft SPU Findings
5. Locator Map

**COMPLETION/RECORDATION REQUIREMENTS**
1. Recordation of Findings as attached
2. Spill containment must meet NFPA 30 and IFC/EPA requirements
3. Fire protection and evacuation plan must be in place and employees trained
4. Proper NFPA 704 signage applied to each side of complex
## RECOMMENDATION
The Ad Hoc recommendation was to:

1. Approve the application per Fire Chief approval.

<table>
<thead>
<tr>
<th>If the commission wishes to approve this application, the recommended motion would be:</th>
<th>If the commission wishes to approve this application with additional requirements, the recommended motion would be:</th>
<th>If the commission wishes to deny this application, the recommended motion would be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>To approve the special use permit to store hazardous materials in Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision as presented, contingent on recordation of the suggested findings and completion of recordation requirements.</td>
<td>To approve the special use permit to store hazardous materials in Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision, as presented, contingent on recordation of the suggested findings, completion of recordation requirements, and ______________________________.</td>
<td>To deny the special use permit to store hazardous materials in Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision, as presented.</td>
</tr>
</tbody>
</table>
Special Use Permit (SPU) Application

Fee: $250

Owner of Record (as it appears on deed): Naico Company, LLC Phone: 281-632-8094
Address: 1601 W. Diehl Road, Naperville, IL 60563 Email:

Name of Applicant: Juan Alvarado Phone: 281-632-8086
Address: 11177 South Stadium Drive, Sugar Land, TX 77478 Email: juan.alvarado@champ-tech.com

Contact Person: Emilio Ramos Phone: 281-632-8094
Address: 11177 South Stadium Drive, Sugar Land, TX 77478 Email: emilio.ramos@champ-tech.com

Project Information

Legal Description: NW 1/4 of Section 19, Township 154 North, Range 101 West of the 5th PM
Parcel ID: 45-154-01-11-01-02-1, 45-154-01-11-01-03-1 Street Address: 14066 51st St. NW, Williston, ND 58801
Total Acreage: 4.57 Lot Dimensions: See Site Plan & Plat Map
Existing Zoning: M-2 Present Land Use: Oil/Gas Industry Storage

Additional concurrent applications for this property: Short Plat Application
Has the Zoning Board of Adjustment granted any variance, conditional use, or special permit concerning this property? No

Short Description of Project: Construct PEMB shed and install concrete containment areas for chemical storage

Please Submit

1. Site Plan drawn to scale of lot, building and any other pertinent information, including adjoining lots and owners
2. Survey map or subdivision plat, if necessary
3. Copy of deed of ownership
4. Letter from owner of record concurring with proposed zoning & allowing a representative to sign the application (in the event of corporate ownership, a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock must be attached)

Owner/Applicant Signature: Emilio.ramos@champ-tech.com Date: 06/15/17

For Office Use Only Permit No.: _______ Date Received: ___________ Received By: _______
School District: _______ Contiguous Properties: _______ Relevant Code Section: _______
Special Use Permit: Storage of Hazardous Materials in M-2: Heavy Industrial