

CITY OF WATFORD CITY
P.O. BOX 494 WATFORD CITY, NORTH DAKOTA 58854

PLANNING AND ZONING COMMISSION MEETING AGENDA

Monday, September 25th, 2023
6:00 PM City Hall, Heritage Room

- **CALL TO ORDER REGULAR MEETING**
- **APPROVE AGENDA**
- **APPROVE MINUTES**
August 28, 2023 - Meeting
- **CALL TO ORDER PUBLIC HEARING**

The Public Hearing will be held for comments on the following:

1. Land Use Application for Zone Change, submitted by WCA Enterprises LLC property at 1420 11th Ave SE also known as Almquist Welding. The application has been submitted to rezone from A-2 (Agricultural District-ETA) to ID (Industrial District).
2. Land Use Application for Zone Change, submitted by Northern States Fishing Tools for property located at 1004 4th St SW. The application has been submitted to rezone from A-1 (Agricultural District) to ID (Industrial District).
3. Land Use Application for Zone Change, submitted by Jerry Foley for property located at 605 Main St S. The application has been submitted to rezone from C-1 (General Commercial District) to ID (Industrial District).
4. ~~Division of Land Application for Preliminary Subdivision Map, submitted by Bypass Properties, LLC for property known as Lot 1 & 2 of Block 6, Stenehjem Commons Subdivision. The application has been submitted to subdivide two, large lot parcels into single family home lots.~~ **Removed from agenda at applicant's request.**
5. ~~Division of Land Application for Reversionary Parcel Map, submitted by LT Development Group, LLC for property within the Tara Estates subdivision. The application has been submitted for consideration of lot line removals, creating larger lots more suitable for individual single family homes.~~ **Removed from agenda at applicant's request.**

- **CLOSE PUBLIC HEARING**
- **CONTINUE REGULAR MEETING**
- **PERMIT RECORDS**
August 2023 - September 2023 Permits

- **OLD BUSINESS**
- **NEW BUSINESS**
- **ADJOURNMENT**

Minutes

August 28th 2023



PLANNING AND ZONING COMMISSION MEETING MINUTES Monday, August 28th, 2023

The Watford City Planning & Zoning Commission meeting was held on Monday, August 28th, 2023, at City Hall in the Heritage Room. In attendance: Chairman Jesse Lawrence, Vice Chairman Marco Pelton and Commission Members: Troy Knutson, Ross Sundeen, Warren Hovland, Lance Renville, and Sam Huebner. Also in attendance: City Planner Jake Walters, City Building Inspector Steve Williams, and City Attorney Wyatt Voll. Not in attendance were Commission Member Jacob Jellesed and Planning Administrative Assistant Kayla Grace.

With the above-mentioned present, the regular meeting hearing was called to order at 6:01 P.M. by Chairman Lawrence.

1. Call for new or old business.
2. Call to approve agenda.

Agenda was reviewed as presented. There were no comments or changes.

MOTION: Pelton SECOND: Hovland

VOICE VOTE:

AYES: all in favor

NAYS: none

1. Call to approve July 26th, 2023, Meeting Minutes.

Minutes were reviewed as presented. There were no comments or changes.

MOTION: Huebner SECOND: Pelton

VOICE VOTE:

AYES: all in favor

NAYS: none

OPEN PUBLIC HEARING: 6:02 P.M. by Chairman Lawrence.

CLOSE PUBLIC HEARING: 6:02 P.M. by Chairman Lawrence

CONTINUATION OF REGULAR MEETING:

PERMIT RECORDS:

Reviewed permit records as presented. Building Inspector Steve Williams reviewed key projects and permits and reiterated no residential building permits for housing have been received to-day in 2023. There are several builders in discussions, but nothing submitted.

NEW BUSINESS:

There was no new business.

OLD BUSINESS:

With the goal of getting additional feedback on zoning ordinances or planning concerns under discussion at a staff level, the commission members were asked to weigh in on two topics: storage containers and the rules, or lack of limits, on certain prohibited animals, both within the City limits.

1. The storage conversation focused on the current language, expanding the possible zoning districts which allow storage units, introducing a conditional or renewable permit in zones other than Industrial, etc. Productive conversation; suggestion made to take the various ideas to the Ordinance Committee.
2. Currently the City limits types of animals, but not numbers of animals as the Century Code or County language does. Suggestion made to take the various ideas to the Ordinance Committee.

Updated P&Z on permitting software, LRTP/FLU updates, and anticipated September agenda ideas.

ADJOURNMENT: 6:41 P.M. **MOTION:** Hovland

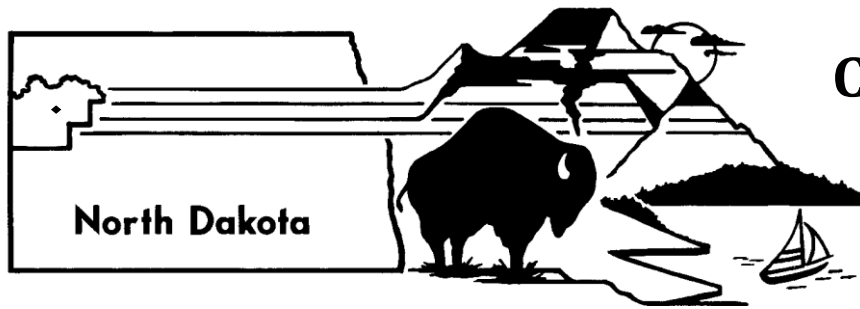
The next regularly scheduled Planning and Zoning Commission Meeting will be held on
Monday, September 25th, 2023, at 6:00 PM

Jesse Lawrence, Chairman

Jake Walters, City Planner

1.

Land Use Application:
Change of Zone
A-2 to ID for 1420 11th Ave SE
Almquist Welding



City of Watford City

213 2nd St. NE / PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

Celebrating 100 Years - 2014

cityofwatfordcity.com

September 18, 2023

STAFF REPORT

Land Use Application: Zone Change

PROPERTY OWNER:

WCA Enterprises LLC

PO Box 522

Watford City, ND 58854

APPLICANT:

Greg Almquist

PO Box 522

Watford City, ND 58854

PROPERTY LOCATION(S):

1420 11th Ave SE, Watford City, ND (PID 20-00-14412 & 20-00-14413)

REQUEST:

A Land Use Application: Zone Change, redistricting from A-2 (Agricultural District-ETA) into ID (Industrial District).

CURRENT ZONING:

A-2 (Agricultural District-ETA)

CURRENT USE:

Almquist Welding & Fab Inc

SITE DEVELOPMENT:

Access: *The property is accessible from 11th Ave SE, unpaved.*

Sewer: *The property does not have access to City sanitary sewer.*

Water: *The property does not have access to City water services.*

SURROUNDING LAND USE:

North: Zoning – A-1 (Agricultural District)

Use – Watford City Municipal Airport

East: Zoning – A-2 (Agricultural District - ETA); though industrial use in actuality.

Use – Continuation of Alquist Welding operations; under separate ownership

South: Zoning – A-2 (Agricultural District - ETA); though industrial use in actuality.

Use – JJ Electric offices and shop space/yard

West: Zoning – A-2 (Agricultural District - ETA); though industrial use in actuality.

Use – Industrial yard and shop space. Adjacent to Flogistix on corner which is zoned industrial.

REFERENCES:

Chapter XV Zoning Ordinance, Article XXVI, Section 1

SECTION 1. - AMENDMENTS:

The City Council may from time to time amend, supplement, or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected. All such proposed changes shall be submitted to the Planning Commission for recommendation and report. The Planning Commission shall prepare final written findings which shall be submitted to the City Council within 90 days after the time of referral of the proposed amendment to the Planning Commission.

Chapter XV Zoning Ordinance, Article IX(A) - A-2 AGRICULTURAL DISTRICT,

SECTION 1. – INTENT:

The purpose of this district is to allow for continued use of land for agricultural activities adjacent to City lands, while discouraging uses that would be detrimental to supporting or facilitating agricultural practices. This district designation may be used to provide an interim zoning classification for lands pending determination of an appropriate, permanent zoning designation. This district is only to be used for areas outside of the corporate limits of the City, and within the City's extraterritorial zoning jurisdiction.

Chapter XV Zoning Ordinance, Article XIX – ID INDUSTRIAL DISTRICT, SECTION 1. – INTENT AND PURPOSE OF THE DISTRICT:

It is the intent of the "I-D" Industrial District to allow certain industrial land uses and to control the type of use, setback, parking, loading and unloading.

DISCUSSION:

An application for change of zone has been submitted to rezone from A-2 (Agricultural District - ETA) to ID (Industrial District). The applicant wishes to build additions to the existing structure on the southern property as well as bring both parcels into proper zoning compliance for the current and future uses. A-2, while viewed as an interim zoning classification by city ordinance, is inappropriate for industrial uses.

The existing on-site uses, as well as those of adjacent properties, are consistent with the Industrial Zoning District and in line with the City's comprehensive plan/Future Land Use map update. Along with the active well site across 14th Ave SE to the south, the businesses in this vicinity are developing in a manner consistent with the ID zone. As permits are requested along this corridor, additional COZ applications will be considered in order to bring the immediate area into conformance over time.

Staff mailed adjacent property owners a notice regarding the change of zone request. At the time of this report, no property owners have contacted staff regarding this application.

RECOMMENDATION:

It is the recommendation of City Planning Department staff to **APPROVE** the Land Use Application for Zone Change from A-2 Agricultural District to ID Industrial District.

PLANNING DEPARTMENT STAFF CONTACTS:

Jake Walters
jwalters@nd.gov
(701) 444-8402

Kayla Grace
kagrace@nd.gov
(701) 444-8406

23-07-24 - change of
Zone - Almquist

PROJECT # _____



THE CITY OF WATFORD CITY
213 2ND ST NE / PO BOX 494
WATFORD CITY, NORTH DAKOTA

LAND USE APPLICATION ZONE CHANGE

REQUIREMENTS

APPLICATION FEE:
\$300.00

All applications must be legible, printed in ink or typed, and suitable for reproduction. *Original application with original signature is required.* A *Zone Change Application* may be submitted in order to consider a changing the zoning district of property. Zoning Districts are set as specific areas within the City and/or ETA in order to govern the use of the property as well as such regulations pertaining to the height, area, size, and intensity of buildings, land, and open spaces. Along with this application, please submit the following: N.D. Professional survey of the property in both .PDF format and 11"x17" size paper for review, a brief justification letter explaining the request for *Zone Change* and a current copy of a title report/title commitment for the property. For specific details regarding this process, please refer to the *City of Watford City Municipal Code of Ordinances: CHAPTER XV, ARTICLE XXVI: AMENDMENTS.*

PROPERTY OWNER INFORMATION

OWNER NAME(S): WCA Enterprises LLC (Greg Almquist)	PHONE NUMBER: 701-842-2759	EMAIL: greg@awfwedding.com
MAILING ADDRESS: P.O. Box 522, Watford City, ND 58854		

APPLICANT INFORMATION

☒ Same as Owner

APPLICANT NAME:	PHONE NUMBER:	EMAIL:
MAILING ADDRESS:		

DEVELOPER INFORMATION

DEVELOPER NAME: SELF	PHONE NUMBER:	EMAIL:
MAILING ADDRESS:		

PROPERTY INFORMATION

PROPERTY ADDRESS: 1420 11th Ave SE	CURRENT ZONING: AG	PROPOSED ZONING: ID
PARCEL NUMBER(S): 20-00-14412 & 20-00-14413	LEGAL DESCRIPTION: (SECTION, TOWNSHIP, RANGE) 20, 150, 98	

DESCRIPTION

Please give a brief description of the proposed variance.

Want to change Lot 2 & Lot 3 to Industrial

APPLICANT SIGNATURE: (IF DIFFERENT THAN OWNER)

As the applicant, I certify that all City Ordinances will be complied with and that the information given within this application as well as the plans submitted are in all respects true and correct to the best of my knowledge and belief.

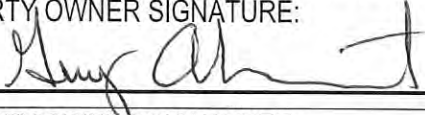
APPLICANT SIGNATURE: 	DATE: 7/24/2023
--------------------------	--------------------

APPLICANT PRINT NAME: Greg Almquist	APPLICANT TITLE: owner
--	---------------------------

PROPERTY OWNER(S) AFFIDAVIT

I/We, the undersigned, swear that I am / we are, the owner(s) and/or Mortgage holders of the property described within this application. I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County and the City of Watford City. I/We certify that all information contained within this application are in all respects true and correct to the best of my/our knowledge and belief. I/We also hereby authorize City of Watford City Staff and/or its designee to access my property or premise for the purpose of gathering and verifying information in relation to this application and submitted plans.

PROPERTY OWNER SIGNATURE:



DATE:

7 / 24 / 2023

PROPERTY OWNER SIGNATURE:

DATE:

_ / _ / _

PROPERTY OWNER NOTARY

On this 24th day of July, 2023 before me, the undersigned, a notary public for the state of North Dakota, personally appeared, Greg Almquist

known to me to be the person(s) who executed the certificate in witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

Notary Public

Notary Public for the state of North DakotaResiding at Watford City, NDMy Commission Expires 8/29/26

(NOTARIAL SEAL)

JACOB WALTERS
Notary Public
State of North Dakota
My Commission Expires Aug. 29, 2026

▼ OFFICE USE ONLY ▼

- ☐ .PDF & LEDGER SIZE REVIEW COPY OF SITE PLAN
- ☐ VICINITY MAP
- ☐ LEGAL DESCRIPTION
- ☐ JUSTIFICATION LETTER
- ☐

LEGAL NOTICE DATES:

_ / _ / _

_ / _ / _

☐ MAILED ADJACENT PROPERTY OWNER NOTICES**MEETING DATES:**

PLANNING COMMISSION: _ / _ / _

CITY COUNCIL: _ / _ / _

INVOICE:

INVOICE NUMBER: _____

DATE CREATED: _ / _ / _ BY: _____

PAYMENT: \$300.00

DATE RECEIVED: _ / _ / _ AMOUNT: \$ _____

☐ CARD☐ CASH☐ CHECK # _____



Legend

- Subject Parcel
- Parcel
- Existing Zoning**
 - AG
 - C-1
 - CF
 - ID

Planning Department - GIS
Watford City, North Dakota

Existing Zoning Exhibit

DRAFTED
Jake Walters

DATE
9/21/23

Note: Any reliance upon this map is at user's own risk. Watford City does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

0 50 100
Feet



2.

Land Use Application:
Change of Zone

A-2 to ID for 1004 4th St SW

Northern States Fishing Tools



City of Watford City

213 2nd St. NE / PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

Celebrating 100 Years - 2014

cityofwatfordcity.com

September 19, 2023

STAFF REPORT

Land Use Application: Zone Change

PROPERTY OWNER:

NSFT Properties

PO Box 346

Watford City, ND 58854

APPLICANT:

Sherri Carlson

PO Box 346

Watford City, ND 58854

PROPERTY LOCATION:

1004 4th St SW, Watford City, ND (PID 82-73-16090)

REQUEST:

A Land Use Application: Zone Change, redistricting from A-1 (Agricultural District) into ID (Industrial District).

CURRENT ZONING:

A-1 (Agricultural District)

CURRENT USE:

Northern States Fishing Tools

SITE DEVELOPMENT:

Access: *The property is accessible from 4th St SW at 11th Ave SW.*

Sewer: *The property does have access to City sanitary sewer.*

Water: *The property does have access to City water services.*

SURROUNDING LAND USE:

North: Zoning – A-2 (Agricultural District - ETA); though industrial use in actuality.
Use – Shop space, J.W. Enterprises

East: Zoning – C-1 (General Commercial), though fairly industrial in use plus SFD
Use – Construction company to the south of Heggen Equipment

South: Zoning - A-2 (Agricultural District - ETA); though industrial use in actuality and ID (Industrial District)
Use – State of North Dakota, NDDOT Truck Station and PSS Industrial Group (previously Graybar location)

West: Zoning – C-1 (General Commercial), though fairly industrial in use
Use – Shop space

REFERENCES:

Chapter XV Zoning Ordinance, Article XXVI,
SECTION 1. - AMENDMENTS:

The City Council may from time to time amend, supplement, or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected. All such proposed changes shall be submitted to the Planning Commission for recommendation and report. The Planning Commission shall prepare final written findings which shall be submitted to the City Council within 90 days after the time of referral of the proposed amendment to the Planning Commission.

ARTICLE IX - A-1 AGRICULTURAL DISTRICT SECTION 1. – INTENT:

This district is established to protect the City of Watford City from uses which would have an adverse effect on the city and to preserve land until it is developed as part of the city.

Chapter XV Zoning Ordinance, Article XIX – ID INDUSTRIAL DISTRICT, SECTION 1. – INTENT AND PURPOSE OF THE DISTRICT:

It is the intent of the "ID" Industrial District to allow certain industrial land uses and to control the type of use, setback, parking, loading and unloading.

DISCUSSION:

An application for change of zone has been submitted to rezone from A-1 (Agricultural District) to ID (Industrial District). The applicant wishes to bring the property into proper zoning alignment based on current use and their desire to maintain permitted storage containers on the parcel. A-1, while viewed as an interim zoning classification by city ordinance, is inappropriate for industrial uses.

The existing on-site uses, as well as those of adjacent properties, are consistent with the Industrial Zoning District and in line with the City's comprehensive plan/Future Land Use map update. The businesses in this vicinity are developing in a manner consistent with the ID zone. As permits are requested along this corridor, additional COZ applications will be considered in order to bring the immediate area into conformance over time.

Staff mailed adjacent property owners a notice regarding the change of zone request. At the time of this report, no property owners have contacted staff regarding this application.

RECOMMENDATION:

It is the recommendation of City Planning Department staff to **APPROVE** the Land Use Application for Zone Change from A-1 Agricultural District to ID Industrial District.

PLANNING DEPARTMENT STAFF CONTACTS:

Jake Walters
jwalters@nd.gov
(701) 444-8402

Kayla Grace
kagrace@nd.gov
(701) 444-8406



THE CITY OF WATFORD CITY
213 2ND ST NE / PO BOX 494
WATFORD CITY, NORTH DAKOTA

LAND USE APPLICATION ZONE CHANGE

REQUIREMENTS

APPLICATION FEE:
\$300.00

All applications must be legible, printed in ink or typed, and suitable for reproduction. *Original application with original signature is required.* A *Zone Change Application* may be submitted in order to consider a changing the zoning district of property. Zoning Districts are set as specific areas within the City and/or ETA in order to govern the use of the property as well as such regulations pertaining to the height, area, size, and intensity of buildings, land, and open spaces. Along with this application, please submit the following: N.D. Professional survey of the property in both .PDF format and 11"x17" size paper for review, a brief justification letter explaining the request for *Zone Change* and a current copy of a title report/title commitment for the property. For specific details regarding this process, please refer to the *City of Watford City Municipal Code of Ordinances: CHAPTER XV, ARTICLE XXVI: AMENDMENTS.*

PROPERTY OWNER INFORMATION

OWNER NAME(S): NSFT Properties	PHONE NUMBER: 701-842-4680	EMAIL: bcarlson@northernstatesfishing.com
-----------------------------------	-------------------------------	--

MAILING ADDRESS:
PO Box 346 Watford City, ND 58854

APPLICANT INFORMATION

☐ Same as Owner

APPLICANT NAME: Sheri Carlson	PHONE NUMBER: 701-609-0441	EMAIL: scarlson@northernstatesfishing.com
----------------------------------	-------------------------------	--

MAILING ADDRESS:
PO Box 346 Watford City, ND 58854

DEVELOPER INFORMATION

DEVELOPER NAME:	PHONE NUMBER:	EMAIL:
-----------------	---------------	--------

MAILING ADDRESS:

PROPERTY INFORMATION

PROPERTY ADDRESS: 1004 4th St SW Watford City, ND 58854	CURRENT ZONING: AG	PROPOSED ZONING: ID
--	-----------------------	------------------------

PARCEL NUMBER(s): 82-73-16090	LEGAL DESCRIPTION: (SECTION, TOWNSHIP, RANGE) Sec: 24 T:150 R:99 Block: 00
----------------------------------	---

DESCRIPTION

Please give a brief description of the proposed variance.

We are requesting a zone change from AG to ID as our business falls under the per mitted uses for ID zoning.

Storage containers are allowed in ID zone with an approved Storage Permit Application

APPLICANT SIGNATURE: (IF DIFFERENT THAN OWNER)

As the applicant, I certify that all City Ordinances will be complied with and that the information given within this application as well as the plans submitted are in all respects true and correct to the best of my knowledge and belief.

APPLICANT SIGNATURE: (same as owner)	DATE: ____/____/____
---	-------------------------

APPLICANT PRINT NAME:	APPLICANT TITLE:
-----------------------	------------------

PROPERTY OWNER(S) AFFIDAVIT

I/We, the undersigned, swear that I am / we are, the owner(s) and/or Mortgage holders of the property described within this application. I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County and the City of Watford City. I/We certify that all information contained within this application are in all respects true and correct to the best of my/our knowledge and belief. I/We also hereby authorize City of Watford City Staff and/or its designee to access my property or premise for the purpose of gathering and verifying information in relation to this application and submitted plans.

PROPERTY OWNER SIGNATURE:

Sheri Carlson

DATE:

9/5/23

PROPERTY OWNER SIGNATURE:

DATE:

____/____/____

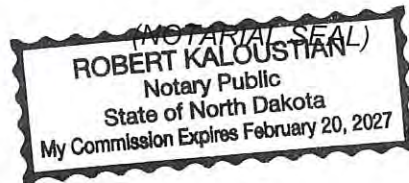
PROPERTY OWNER NOTARY

On this 5 day of September, 2023 before me, the undersigned, a notary public for the state of North Dakota, personally appeared, Sheri Carlson

known to me to be the person(s) who executed the certificate in witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

[Signature]
Notary Public

Notary Public for the state of North Dakota
Residing at Watford City
My Commission Expires 2/20/27

**▼ OFFICE USE ONLY ▼**

- ☐ .PDF & LEDGER SIZE REVIEW COPY OF SITE PLAN
- ☐ VICINITY MAP
- ☐ LEGAL DESCRIPTION
- ☐ JUSTIFICATION LETTER
- ☐

LEGAL NOTICE DATES:

____/____/____

____/____/____

☐ MAILED ADJACENT PROPERTY OWNER NOTICES**MEETING DATES:**

PLANNING COMMISSION: ____/____/____

CITY COUNCIL: ____/____/____

INVOICE:

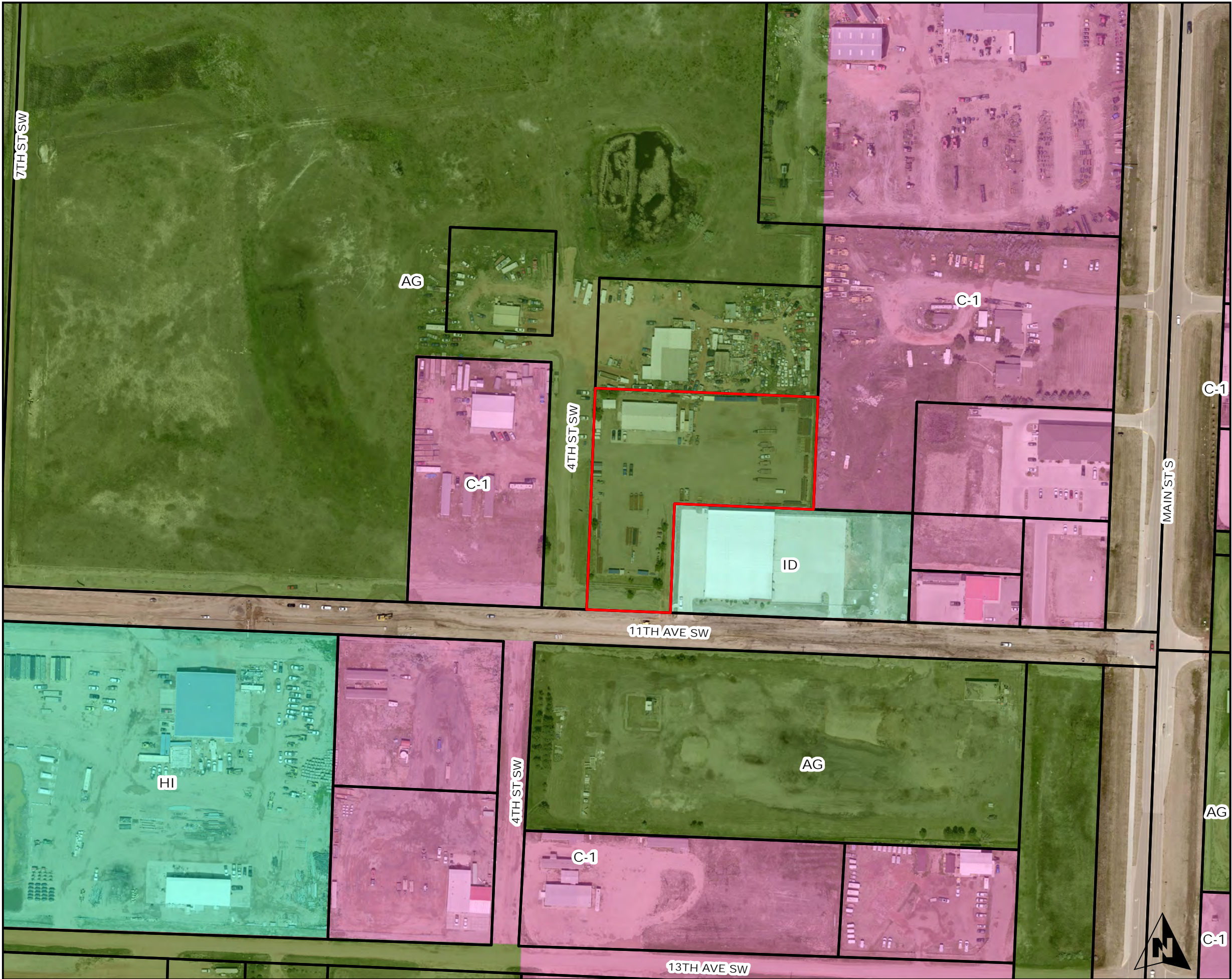
INVOICE NUMBER: _____

DATE CREATED: ____/____/____ BY: _____

PAYMENT: \$300.00

DATE RECEIVED: ____/____/____ AMOUNT: \$ _____

☐ CARD ☐ CASH ☐ CHECK # _____



Legend

- Subject Parcel
- Parcel
- Existing Zoning**
 - AG
 - C-1
 - HI
 - ID

FOR INFORMATIONAL
PURPOSES ONLY

Planning Department - GIS
Watford City, North Dakota

Existing Zoning
Exhibit

DRAFTED
Jake Walters

DATE
9/21/23

0 50 100
Feet



Note: Any reliance upon this map is at user's own risk. Watford City does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

3.

Land Use Application:
Change of Zone

C-1 to ID for 605 Main St S

Jerry Foley



City of Watford City

213 2nd St. NE / PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

Celebrating 100 Years - 2014

cityofwatfordcity.com

September 21, 2023

STAFF REPORT

Land Use Application: Zone Change

PROPERTY OWNER:

Jerry Foley

605 Main St S

Watford City, ND 58854

APPLICANT:

Jerry Foley

605 Main St S

Watford City, ND 58854

PROPERTY LOCATION:

605 Main St S, Watford City, ND (PID 83-34-00100)

REQUEST:

A Land Use Application: Zone Change, redistricting from C-1 (General Commercial District) into ID (Industrial District).

CURRENT ZONING:

C-1 (General Commercial District)

CURRENT USE:

Thunder Butte Energy Services; housing

SITE DEVELOPMENT:

Access: *The property is accessible from Main St S.*

Sewer: *The property does have access to City sanitary sewer.*

Water: *The property does have access to City water services.*

SURROUNDING LAND USE:

North: Zoning – A-2 & C-1

Use – A-2 undeveloped & C-1 Hansen Diesel & Automotive

East: Zoning – C-1

Use – Family Dollar

South: Zoning – C-1

Use – Heggen Equipment

West: Zoning – A-2

Use – Undeveloped

REFERENCES:

Chapter XV Zoning Ordinance, Article XXVI, Section 1

SECTION 1. - AMENDMENTS:

The City Council may from time to time amend, supplement, or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected. All such proposed changes shall be submitted to the Planning Commission for recommendation and report. The Planning Commission shall prepare final written findings which shall be submitted to the City Council within 90 days after the time of referral of the proposed amendment to the Planning Commission.

Chapter XV Zoning Ordinance, Article XVII – C-1 GENERAL COMMERCIAL DISTRICT,
SECTION 1. – INTENT AND PURPOSE OF DISTRICT:

The "C-1" General Commercial District is intended for the purpose of allowing basic retail, service and office uses. This district is also intended to provide locations for commercial activity that do not require a central location downtown. Also included are business uses needing large floor areas, particularly those of a service nature and certain industrial uses that do not create obnoxious sounds, glare, dust, or odor. The District is not intended for heavy commercial uses, uses that would be considered industrial in nature, or those businesses that may not be considered compatible with adjacent traditional General Commercial uses.

Chapter XV Zoning Ordinance, Article XIX – ID INDUSTRIAL DISTRICT, SECTION 1. –
INTENT AND PURPOSE OF THE DISTRICT:

It is the intent of the "I-D" Industrial District to allow certain industrial land uses and to control the type of use, setback, parking, loading and unloading.

DISCUSSION:

An application for change of zone has been submitted to rezone from C-1 (General Commercial District) to ID (Industrial District). The applicant wishes to maintain permitted storage containers on the parcel, which is currently not allowed in commercial, but would be considered in industrial.

The Foley Subdivision was created in July 2016, splitting the original larger lot into two, east/west lots, both listed as commercial zoning at that time. Subsequently the easternmost parcel was developed as a Family Dollar, currently fronting on Main Street South. The westernmost parcel has been problematic over the years, with housing units and non-C-1 activities conducted, but has remained relatively overlooked during the period of rapid city development. Due to a notification of illegally placed storage units, the applicant has opted to request a change of zone to a district that would allow for permitting of such units on a yearly basis.

It is staff's opinion that the general commercial nature along Main Street, both existing and encouraged moving forward by the Comprehensive Plan/Future Land Use map, runs counter to the requested industrial zoning. When the lot split was approved and the site developed, the applied standards were that of a commercial project. For example, the access road is shared with public commercial traffic; not an appropriate or safe combination should the site be further developed for industrial use. It is important to remember that zoning districts run with the land and not with current owner or use. The commission should consider what future uses could be introduced along the commercial corridor which, at extremes, could include manufacturing or even poultry storage or slaughtering.

Although the question of a CUP for workforce housing in a C-1 district remains unresolved for this location, it is important to note that the ID zoning district doesn't not have housing as a permitted or conditional use.

Staff mailed adjacent property owners a notice regarding the change of zone request. At the time of this report, no property owners have contacted staff regarding this application.

RECOMMENDATION:

It is the recommendation of City Planning Department staff to **DENY** the Land Use Application for Zone Change from C-1 General Commercial District to ID Industrial District.

PLANNING DEPARTMENT STAFF CONTACTS:

Jake Walters
jwalters@nd.gov
(701) 444-8402

Kayla Grace
kagrace@nd.gov
(701) 444-8406

REQUIREMENTSAPPLICATION FEE:
\$300.00

All applications must be legible, printed in ink or typed, and suitable for reproduction. *Original application with original signature is required.* A Zone Change Application may be submitted in order to consider a changing the zoning district of property. Zoning Districts are set as specific areas within the City and/or ETA in order to govern the use of the property as well as such regulations pertaining to the height, area, size, and intensity of buildings, land, and open spaces. Along with this application, please submit the following: N.D. Professional survey of the property in both .PDF format and 11"x17" size paper for review, a brief justification letter explaining the request for Zone Change and a current copy of a title report/title commitment for the property. For specific details regarding this process, please refer to the City of Watford City Municipal Code of Ordinances: **CHAPTER XV, ARTICLE XXVI: AMENDMENTS.**

PROPERTY OWNER INFORMATION

OWNER NAME(S): <u>Jerry Foley</u>	PHONE NUMBER: <u>571-722-5056</u>	EMAIL: <u>JFoley1125@gmail.com</u>
MAILING ADDRESS: <u>605 South Main Street, Watford City, ND, 58854</u>		

APPLICANT INFORMATION☐ Same as Owner

APPLICANT NAME: <u>Jerry Foley</u>	PHONE NUMBER: <u>571-722-5056</u>	EMAIL: <u>JFoley1125@gmail.com</u>
MAILING ADDRESS: <u>605 South Main Street, Watford City, ND 58854</u>		

DEVELOPER INFORMATION


DEVELOPER NAME: <u>OWNER</u>	PHONE NUMBER:	EMAIL:
MAILING ADDRESS:		

PROPERTY INFORMATION

PROPERTY ADDRESS: <u>605 South Main, Watford City</u>	CURRENT ZONING: <u>C1</u>	PROPOSED ZONING: <u>IND</u>
PARCEL NUMBER(s): <u>38053-833400100</u>	LEGAL DESCRIPTION: (SECTION, TOWNSHIP, RANGE)	

DESCRIPTION Please give a brief description of the proposed variance.change to Industrial**APPLICANT SIGNATURE:** (IF DIFFERENT THAN OWNER)

As the applicant, I certify that all City Ordinances will be complied with and that the information given within this application as well as the plans submitted are in all respects true and correct to the best of my knowledge and belief.

APPLICANT SIGNATURE: 	DATE: <u>8/22/23</u>
---	----------------------

APPLICANT PRINT NAME: <u>Jerry Foley</u>	APPLICANT TITLE: <u>OWNER</u>
--	-------------------------------

PROPERTY OWNER(S) AFFIDAVIT

I/We, the undersigned, swear that I am / we are, the owner(s) and/or Mortgage holders of the property described within this application. I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County and the City of Watford City. I/We certify that all information contained within this application are in all respects true and correct to the best of my/our knowledge and belief. I/We also hereby authorize City of Watford City Staff and/or its designee to access my property or premise for the purpose of gathering and verifying information in relation to this application and submitted plans.

PROPERTY OWNER SIGNATURE: _____

DATE: _____

8, 24, 23

PROPERTY OWNER SIGNATURE: _____

DATE: _____

_____/_____/____

PROPERTY OWNER NOTARY

On this 24th day of August, 2023 before me, the undersigned, a notary public for the state of Virginia, personally appeared, Jerry Foley known to me to be the person(s) who executed the certificate in witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

Notary Public

Notary Public for the state of Virginia
Residing at Round Hill, VA
My Commission Expires 3/31/2025

(NOTARIAL SEAL)

ELIZABETH A PACHECO
NOTARY PUBLIC
REG. #7716235
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2025

▼ OFFICE USE ONLY ▼

- ☐ .PDF & LEDGER SIZE REVIEW COPY OF SITE PLAN
☐ VICINITY MAP
☐ LEGAL DESCRIPTION
☐ JUSTIFICATION LETTER
☐

LEGAL NOTICE DATES:

____/____/____

____/____/____

☐ MAILED ADJACENT PROPERTY OWNER NOTICES**MEETING DATES:**

PLANNING COMMISSION: ____/____/____

CITY COUNCIL: ____/____/____

INVOICE:

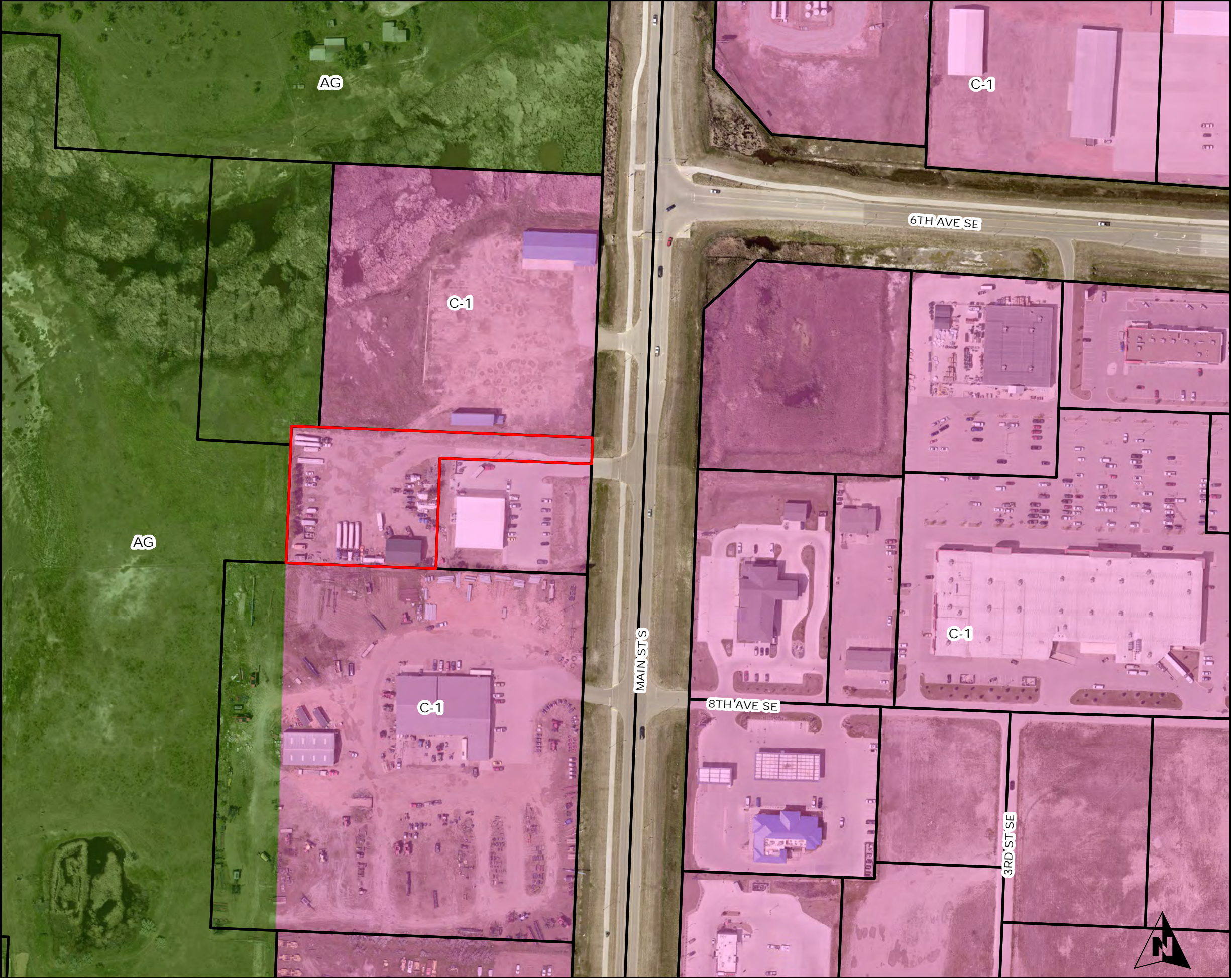
INVOICE NUMBER: _____

DATE CREATED: ____/____/____ BY: _____





PAYMENT: \$300.00

DATE RECEIVED: ____/____/____ AMOUNT: \$ _____

☐ CARD☐ CASH☐ CHECK # _____



Legend

-  Subject Parcel
-  Parcel
- Existing Zoning**
 -  AG
 -  C-1

0 50 100
Feet



Note: Any reliance upon this map is at user's own risk. Watford City does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

Planning Department - GIS
Watford City, North Dakota

Existing Zoning
Exhibit

DRAFTED
Jake Walters
DATE
9/21/23

FOR INFORMATIONAL
PURPOSES ONLY

4.

Division of Land:
Preliminary Subdivision Map
*Lots 1 & 2, Block 6
of the Stenehjem Commons Subdivision*
Bypass Properties, LLC

Removed from agenda at
applicant's request.

5.

Division of Land, Minor Plat:
Reversionary Parcel Map
Various parcels within Tara Estates
KLT Enterprises, LLC

Removed from agenda at
applicant's request.

Permit Records

Aug-Sept 2023

5581	COMMERCIAL BUILDING	8/29/2023	ConocoPhillips Company	3 Forks Services	105 Prospect St NE	Lot 4, Blk 2	The Crossings	82-23-02300	installation of restroom and IT room with utility services for same, heater additions, railing modifications, and door upgrades	\$ 150,000.00	\$ 938.00				
5582	RESIDENTIAL BUILDING	8/31/2023	Wyatt & Kasey Staal	Kill Deer Mountain Construction	929 24th Ave SW		Staal Subdivision	11-31-00100	new 5 bedroom 4 bathroom single family residence with a 2 stall garage	\$ 800,000.00	\$ 2,632.50	5881			
5583	COMMERCIAL BUILDING	9/5/2023	Baker Properties, LLC	701 Clean, LLC	225 Main St N	Lot 6, Blk 6	Original Townsite of Watford	82-01-09100	revise rear entry - enclose north side, remove south entry	\$ 30,000.00	\$ 308.00	5882			
5584	RESIDENTIAL BUILDING	9/6/2023	Kerri Dean Balloquad Bumpus	Self	304 3rd Ave NE	Lot 9, Blk 1	2nd Addition, Watford	83-03-01000	reroof	\$ 9,000.00	\$ 81.50	5885			
5585	RESIDENTIAL BUILDING	9/6/2023	Steven Williams	Self	308 6th St NW	Lot 8, Blk 1	5th Addition, Watford	82-06-00800	reroof existing shop with metal roof	\$ 4,000.00	\$ 46.50	5886			
5586	COMMERCIAL BUILDING	9/6/2023	McKenzie County	Self	112 2nd Ave W		Original Townsite of Watford	82-01-12500	erect a wall & add a door in the rear of the library to create office space for staff		Waived	Waived			
5587	RESIDENTIAL BUILDING	9/7/2023	Ray Billings	Fogle Consulting LLC	125 4th St SW	Lot 12, Blk 4	Sax Addition to Watford City	82-57-06200	replace roof on north side of house	\$ 3,500.00	\$ 43.00	5887			
5588	RESIDENTIAL BUILDING	9/7/2023	Betty Weber	Steve Dube Construction	513 4th St NE	Lot 10, Blk 2	1st Addition-Holms to Watford City	82-38-01000	new roofing, fascia,soffit, and some painting	\$ 34,000.00	\$ 240.00	5888			
5589	SIGN	9/11/2023	McKenzie Health	Cascade Glass & Signs	301 12th St SE	Lot 29, Blk 6	2nd Addition-Cherry Creek to Watford City	82-20-11400	139.79"x36" sign on exterior of building		\$ 100.00	5903			
5590	CONSTRUCT/REPAIR	9/12/2023	WC Park District	PolyPro LLC	125 3rd St SE (Outdoor Pool)			82-00-04500	void fill sidewalk in front of pool	\$ 8,480.00	Waived	Waived			sidewalk in front of the wild west water park/outdoor pool
5591	FENCE	9/12/2023	Aaron Wilbur	Kalip LLC	1324 E Pheasant Ridge St	Lot 46		82-55-04600	black 48" tall chainlink fence from side of house to edge of backyard along property lines		\$ 25.00	5904			
5592	CONSTRUCT/REPAIR	9/15/2023	Tom Brooks	J&DG Concrete LLC	329 6th St NE	Lot 1, Blk 6	Wold's Addition to Watford City	82-77-02800	driveway extension	\$ 13,387.00	\$ 112.21				
5593	RESIDENTIAL BUILDING	9/14/2023	Reyburn Johnston	Self	117 7th St SE	Lot 2, Blk 1	7th Addition - Wolds to Watford City	82-84-00200	re-siding	\$ 10,000.00	\$ 88.50	5905			
5358	RENEWAL	9/14/2023	Circle K/Holiday	TBD	Hwy 23 By-Pass & Frontier Ave		The Crossings	82-23-00300	signage for the new Holiday gas station and car wash	\$ -	\$ 20.00	5906			stamped permit card - expires 03/14/2024
5594	CONSTRUCT/REPAIR	9/18/2023	Gene Becker	Self	204 4th St NE	Lot 4	East Watford	82-28-01400	re-doing driveway	\$9,000.00	\$ 81.50	5908			
5595	SIGN	9/18/2023	Cass Oil Co	DRS Enterprises LLC	107 8th Ave SE	Lot 2, Blk 2	South Park Addition	82-72-00800	replace holiday branding signs with circle k branding signs the same or smaller in size than the existing signage		\$ 100.00	5909			
5596	EXCAVATION	9/20/2023	City of Watford City	BEK Consulting LLC	Park Ave & 6th St NW				excavate and install culvert as outlined in plans from City PW Superintendent, Justin Smith	\$ 7,500.00	Waived	Waived			
5597	COMMERCIAL BUILDING	9/20/2023	Prairie Heights	Pivotal Services	401 10th St SW	Lot 1	Prairie Heights Subdivision	83-53-00100	add LED lights to the hallways ceilings. Use existing junction boxes on the walls where lights fixtures were originally installed	\$ 55,097.94	\$ 474.76	5910			
5598	RESIDENTIAL BUILDING	9/21/2023	Christopher Randall (CFD w/ Jayson Lund)	Infinity Kustoms	12285 East Highland		Deutsch Subdivision No. 1		finish basement - approx 1300 sq ft	\$ 65,000.00	\$ 376.25	5912			
5599	RESIDENTIAL BUILDING	9/21/2023	Amber & Eric Higgins	Self	209 5th St NE		1st Addition - East Watford		framing deck with ramp on front of house	\$ 5,000.00	\$ 53.50	5319			
5600	EXCAVATION	9/22/2023	Conoco Phillips	3 Forks Services	4001 White Butte Ave NW		The Crossings		trenching to install 1" water & 4" sewer service to existing storage building from existing 12" water main & 10" sewer main	\$ 10,000.00	\$ 123.90	5914			
5601	WATER SEWER ACCESS	9/22/2023	Conoco Phillips	Little Mac's Plumbing	4001 White Butte Ave NW		The Crossings		installation of water service and sewer service		\$ 3,240.83	5914			

2022	
Month	# of Permits Issued
January	7
February	9
March	14
April	33
May	29
June	42
July	23
August	37
September	24
October	30
November	13
December	6

2022 TOTAL	267
-------------------	------------

2023		
Month	# of Permits Issued	Comparison
January	16	229%
February	8	89%
March	18	129%
April	14	42%
May	34	117%
June	26	62%
July	19	83%
August	14	38%
September	17	71%
October		
November		
December		

2023 YTD	166	62%
-----------------	------------	------------

2022	
Month	Value
January	\$ 379,000.00
February	\$ 42,500.00
March	\$ 505,002.10
April	\$ 1,912,410.00
May	\$ 199,639.62
June	\$ 746,840.00
July	\$ 607,158.74
August	\$ 604,697.89
September	\$ 260,173.25
October	\$ 2,871,987.42
November	\$ 927,538.60
December	\$ 1,038,802.55

2022 TOTAL	\$ 10,095,750.17
-------------------	-------------------------

2023		
Month	Value	Comparison
January	\$ 491,582.95	130%
February	\$ 11,338,344.00	26678%
March	\$ 14,254,248.00	2823%
April	\$ 249,348.22	13%
May	\$ 385,659.00	193%
June	\$ 195,460.00	26%
July	\$ 500,810.00	82%
August	\$ 4,869,914.89	805%
September	\$ 1,213,964.94	467%
October		
November		
December		

2023 YTD	\$ 33,499,332.00	332%
-----------------	-------------------------	-------------

2022 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	6	6	\$ 2,292,630.00
Duplex	4	2	\$ 608,000.00
Apartment 3-4 Units	0	0	\$ -
Apartment 5+ Units	0	0	\$ -
2022 TOTAL	10	8	\$ 2,900,630.00

2023 Residential Permits				
Type	# of Units	# of Buildings	Value	Comparison
Single Family Home	1	1	800,000	35%
Duplex	0	0	0	0%
Apartment 3-4 Units	0	0	0	0%
Apartment 5+ Units	0	0	0	0%
2023 TOTAL YTD	1	1	\$ 800,000.00	28%