

CITY OF WATFORD CITY

P.O. BOX 494

WATFORD CITY, NORTH DAKOTA 58854

AGENDA

November Monday 25, 2013

PLANNING COMMISSION

Civic Center @ 6:00 P.M.

Call to Order Public Hearing

Public hearing to hear comment on an Amendment to the Zoning Ordinance submitted by Bayfront Builders/Jeff Hausmann LLC on property located at Main St N and 17th Ave NE., Lots 62, 63, 64, 65, 66 and 67 of Pheasant Ridge, in the NW1/4 of Section 18, T150N, R98W. The amendment will place the Condominium Overlay onto existing R-3 zoned property.

Public hearing to hear comment on Zone Change Application submitted by Shangcheng Development, LLC, for property located in the South ½ of the NE ¼ and the SE ¼ of Section 14, T150N, R99W, 237 acres, McKenzie County, ND. Application will re-zone AG property to R1, R3, R4, and C1.

Public hearing to hear comment on an Amendment to Variance Ordinance submitted by Shawn Garman. The Amendment will request for a side yard setback, for property located at 109 4th Ave NW Section 24, T150N, R98W, McKenzie County, ND.

Public hearing to hear comment on an Amendment to Variance Ordinance submitted by David and Deanne Valenzuela, for property located at 328 3rd St NW, 0.21 acres, McKenzie County, ND.

Public hearing to hear comment on a Simple Lot Split submitted by McKenzie County for property located in Section 29, Township 150 North, Range 98 West, 160 acres, McKenzie County, ND.

Public Hearing to hear comment on amending Chapter XV, Article XX of the City of Watford City ordinances relating to Parking and Loading Regulations. The Parking and Loading Regulations are intended to encourage development that will ensure harmony with adjacent properties and existing/future uses, sufficient open space and complementary uses under conditions which assure mitigation of impacts such as drainage, traffic, noise, odor and light in the area in which certain land uses are located.

Call to Order Regular Meeting

Minutes of September 30, 2013 Meeting

Unfinished Business:

1. Zone Change- Bayfront Builders/Jeff Hausmann LLC
2. Zone Change- Shangcheng Development, LLC
3. Variance- Shawn Garman

4. Variance - David and Deanne Valenzuela
5. Simple Lot Split- McKenzie County
6. Amending Ordinance- Chapter XV, Article XX

New Business:

1. Phil Riely to replace Shane for P&Z
2. Rick Holm out of town Jan, Feb and March

Review Building Permits

2704	Oct	Titanium Builders	Hunters Run Lot 117		Single Family Home	\$150,000.00	10/21/13	\$1,265.00	#1721
2705	Oct	Titanium Builders	Hunters Run Lot 118		Single Family Home	\$150,000.00	10/21/13	\$1,265.00	#1721
2706	Oct	Titanium Builders	Hunters Run Lot 113		Single Family Home	\$150,000.00	10/21/13	\$1,265.00	#1721
2707	Oct	Titanium Builders	Hunters Run Lot 120		Single Family Home	\$150,000.00	10/21/13	\$1,265.00	#1721
2708	Oct	Mspace Holdings LLC	2809 2nd St NE Dakota Ridge		Modular Home/Garage	\$150,000.00	10/22/13	\$1,265.00	
2709	Oct	Mspace Holdings LLC	2609 2nd St NE Dakota Ridge		Modular Home/Garage	\$150,000.00	10/22/13	\$1,265.00	
2710	Oct	Mspace Holdings LLC	2805 2nd St NE Dakota Ridge		Modular Home/Garage	\$150,000.00	10/22/13	\$1,265.00	
2711	Oct	Mspace Holdings LLC	2801 2nd St NE Dakota Ridge		Modular Home/Garage	\$150,000.00	10/22/13	\$1,265.00	
2712	Oct	Greg Elliot	404 20th Ave SE		Addition to shop to enclose equipment				
2713	Oct	Foley Contracting	1408 E Pheasant Ridge St		Single Family Home/Garage	\$200,000.00	10/22/13	\$1,540.00	
2714	Oct	Blue Lube & Repair	1300 4th Ave NE		New Sign	\$0.00	10/23/13	\$100.00	#1011
2715	Oct	Jaret & Megan Wirtz	2504 11th Ave SE		New 40x60 Shop	\$125,000.00	10/23/13	\$1,127.50	#6214

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No.	Month	Applicant	Address	Parcel #	Description	Value	Date	Fee	PD
2716	Oct	Oppidan Inc	113 6th Ave Sw		Interior Finish of Office	\$46,000.00	10/23/2013		
2717	Oct	Milestone Energy Services	3112 4th Ave NE		Moving a MH	\$0.00	10/16/2013	\$25.00	#1111
2718	Oct	Milestone Energy Services	3112 4th Ave NE		Moving a MH	\$0.00	10/16/2013	\$25.00	#1111
2719	Oct	Milestone Energy Services	3112 4th Ave NE		Moving a MH	\$0.00	10/16/2013	\$25.00	#1111
2720	Oct	Milestone Energy Services	3112 4th Ave NE		Moving a MH	\$0.00	10/16/2013	\$25.00	#1111
2721	Oct	Milestone Energy Services	3112 4th Ave NE		Moving a MH	\$0.00	10/16/2013	\$25.00	#1111
2722	OCT	Milestone Energy Services	3112 4th Ave NE		Moving a MH	\$0.00	10/16/2013	\$25.00	#1111
2723	Oct	Big Red Rooster	113 6th Ave SE STE 400		Interior Finish of store	\$35,000.00	10/23/2013	\$490.00	#4118
2724	Oct	Verison Wireless	109 6th Ave SE STE 700		New Sign	\$0.00	10/23/2013	\$100.00	

Adjournment

Melissa Sandry
Secretary/Planning Assistant

*****If you are not able to attend a Planning Commission meeting, please notify Melissa prior to the meeting*****

PLANNING COMMISSION MINUTES
WATFORD CITY, ND
October 28, 2013

The regular monthly meeting of the Watford City Planning Commission was held on September 30, 2013 at 6:00 p.m. at the Civic Center. In attendance: Board members: Sonja Johnson, Teri Wolff, Rick Holm, and Jesse Lawrence. Also present City Attorney Wyatt Voll, Mildred Williams, Steve Williams, Seth Sampson, and Melissa Sandry. Excused absence: Chairman Glen Beard, Shane Homiston, and Cory Johnson.

Public Hearing called to order at 6:00 pm:

Public hearing to hear comment on a Simple Lot Split submitted by Garden Creek Enterprises LLP for property located in Section 16, Township 150 North, Range 98 West, 147.86 Acres, McKenzie County, North Dakota.

Public hearing to hear comment on an Amendment to Variance Ordinance submitted by Ray Morken, BBR RV Park. The Amendment will request for a 19' variance from 25' on 5th Ave SE, and a 12' variance on 10th St SE, to replace a skid house with a mobile home, for property located at Section 19, T 150N, R98W, 22,920 sq. ft., McKenzie County, ND.

Public hearing to hear comment on a Conditional Use Permit Application submitted by Erica Beard for an in home occupation- flower shop, on R1 zoned property located at 512 N Main St, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by P. Deutsch, LLC, Paul & Nancy Deutsch for property located in Lot 1 of East Watford Depot Subdivision & IT 1109, Section 15, T150N, R98W, 9.67 acres, McKenzie County, ND. Application will re-zone Ag property to C1.

Public hearing to hear comment on Boundary Line Adjustment Map submitted by P. Deutsch, LLC for property located in in Lot 1 of East Watford Depot Subdivision, Section 15, Township 150 North, Range 98 West, 9.67 acres, McKenzie County, ND.

Public hearing to hear comment on Zone Change Application submitted by Bakken Development Solutions/The Crossings, for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 16.35 acres, McKenzie County, ND. Application will re-zone C1 property to CB.

Public hearing to hear comment on a Final Amended Subdivision Plat Application submitted by Bakken Development Solutions/ The Crossings for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 29.82 acres, McKenzie County, ND.

Public hearing to hear comment on a Final Subdivision Plat Application, 1st addition, submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 7.002 acres, McKenzie County, ND.

Public hearing to hear comment on a Final Subdivision Plat Application, 2nd Addition, submitted

by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 18.112 acres, McKenzie County, ND.

Public hearing to hear comment on a Conditional Use annual review issued to Ray and Billie Jo Morken on property located at 1004 4th Ave SE, Lot 1-2 Blk 3, 2nd Addition - Cherry Creek to Watford City for consideration to operate a Home Occupation to operate a home based office.

Public hearing to hear comment on a Conditional Use annual review issued to Ray Morken Jr. on the following described properties, 905 3rd Ave SE., 305 10th St SE., 313 10th St SE., 308 10th St SE., 312 10th St SE., 400 10th St SE., 1005 4th Ave SE., 305 11th St SE., 316 9th St SE., 312 Bolken Drive. Cherry Creek Addition and Cherry Creek 2nd Addition to Watford City, for consideration to allow Temporary Workforce Housing.

Public hearing to hear comment on a Conditional Use annual review issued to Marty & Crystal Mulder on property located at 608 2nd Ave SW, lot 33 & 34 Blk 1, Schell & Jarland addition to Watford City, for consideration to allowing Temporary Workforce Housing.

UNFINISHED BUSINESS:

Simple Lot Split- Rolfson Property- Moved by R. Holm to recommend approval to City Council for a Simple Lot Split Application submitted by Garden Creek Enterprises LLP for property located in Section 16, Township 150 North, Range 98 West, 147.86 Acres, McKenzie County, North Dakota. Seconded by S. Johnson and carried by the following roll call vote: ayes; S. Johnson, R. Holm, T. Wolff, and J. Lawrence. Nays; None. Motion Carried.

Variance- Ray Morken- Moved by J. Lawrence to recommend approval to City Council for a Variance Application submitted by Ray Morken, BBR RV Park. The Amendment will request for a 19' variance from 25' on 5th Ave SE, and a 12' variance on 10th St SE, to replace a skid house with a mobile home, for property located at Section 19, T 150N, R98W, 22,920 sq. ft., McKenzie County, ND. The Commission noted that the skid shack will no longer be on that property and approval is contingent on a 12.5 foot variance, not a 12' that was requested. Seconded by R. Holm and carried by the following roll call vote: ayes; S. Johnson, R. Holm, T. Wolff, and J. Lawrence.

Conditional Use Permit- Erica Beard- Moved by R. Holm to recommend approval to City Council for a Conditional Use Permit Application submitted by Erica Beard for an in home occupation- flower shop, on R1 zoned property located at 512 N Main St, McKenzie County, ND. Approval is contingent on recommendations as stated in the staff report. Seconded by J. Lawrence and carried by the following roll call vote: ayes; S. Johnson, R. Holm, T. Wolff, and J. Lawrence.

Zone Change- Paul Deutsch- Moved by J. Lawrence to recommend approval to City Council for a Zone Change Application submitted by P. Deutsch, LLC, Paul & Nancy Deutsch for property located in Lot 1 of East Watford Depot Subdivision & IT 1109, Section 15, T150N, R98W, 9.67 acres, McKenzie County, ND. Application will re-zone Ag property to C1. Seconded by S. Johnson, and carried by the following roll call vote: R. Holm, S. Johnson, and T.

Wolff, and J. Lawrence. Nays: None. Motion Carried.

Boundary Line Adjustment- Paul Deutsch- Moved by J. Lawrence to recommend approval to City Council for a Boundary Line Adjustment Map submitted by P. Deutsch, LLC for property located in Lot 1 of East Watford Depot Subdivision, Section 15, Township 150 North, Range 98 West, 9.67 acres, McKenzie County, ND. Seconded by J. Lawrence, and carried by the following roll vote: S. Johnson, R. Holm, C. Johnson, T. Wolff and J. Lawrence. Nays: None. Motion carried.

Zone Change- Bakken Development/ The Crossings- Moved by J. Lawrence to recommend approval to City Council for a Zone Change Application submitted by Bakken Development Solutions/The Crossings, for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 16.35 acres, McKenzie County, ND. Application will re-zone C1 property to CB. Seconded by R. Holm, and carried by the following roll call vote: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Final Amended Plat- Bakken Development- Moved by R. Holm to recommend approval to City Council for a Final Amended Subdivision Plat Application submitted by Bakken Development Solutions/ The Crossings for property located in a portion of the NW ¼ of Section 22, T150N, R98W, 29.82 acres, McKenzie County, ND. Seconded by S. Johnson and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Final Plat- Hunters Run 1st Addition- Moved by J. Lawrence to recommend approval to City Council for a Final Plat submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 7.002 acres, McKenzie County, ND. Seconded by R. Holm and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Final Plat- Hunters Run 2nd Addition- Moved by J. Lawrence to recommend approval to City Council for a Final Plat submitted by Hunter's Run, LLC/ Marco Nordio for property located in a portion of the East ½ of Section 16, T150N, R98W, 18.112 acres, McKenzie County, ND. Seconded by S. Johnson and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Conditional Use Renewal- Ray Morken- Moved by R. Holm to recommend approval to City Council for a Conditional Use Permit annual review issued to Ray and Billie Jo Morken on property located at 1004 4th Ave SE, Lot 1-2 Blk 3, 2nd Addition - Cherry Creek to Watford City for consideration to operate a Home Occupation to operate a home based office. Approval was given with the understanding that nothing has changed with the temporary housing. Seconded by S. Johnson and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Conditional Use Renewal- Ray Morken- Moved by R. Holm to recommend approval to City Council for a Conditional Use Permit annual review issued to Ray Morken Jr. on the following described properties, 905 3rd Ave SE., 305 10th St SE., 313 10th St SE., 308 10th St SE., 312 10th St SE., 400 10th St SE., 1005 4th Ave SE., 305 11th St SE., 316 9th St SE., 312 Bolken Drive. Cherry Creek Addition and Cherry Creek 2nd Addition to Watford City, for consideration to allow Temporary Workforce Housing. Seconded by J. Lawrence and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Conditional Use Renewal- Marty Mulder - Moved by R. Holm to recommend approval to City Council for a Conditional Use Permit application annual review issued to Marty & Crystal Mulder on property located at 608 2nd Ave SW, lot 33 & 34 Blk 1, Schell & Jarland addition to Watford City, for consideration to allowing Temporary Workforce Housing. Seconded by J. Lawrence and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

Zone Change- Tom Dillon- Moved by R. Holm to recommend approval to City Council for a Zone Change application submitted by Midwest Realty Advisors/ Tom Dillon, for property located in Lots 1, 2,3,4,5 of Block 2, Schell Jarland Addition, Section 24, T150N, R99W, approximately 17,920 square feet, McKenzie County, ND. The application will re-zone R1 property to C1. Approval is contingent upon Site Plan reviews by both Planning Commission and City Council. Seconded by J. Lawrence and carried by the following roll call: R. Holm, S. Johnson, and T. Wolff, and J. Lawrence. Nays: None. Motion Carried.

NEW BUSINESS

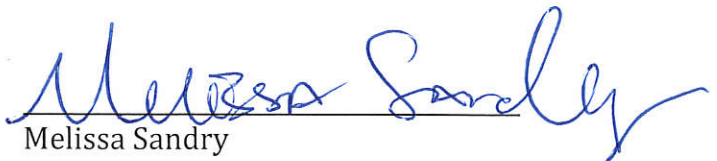
BUILDING PERMITS:

Building Permits reviewed and approved.

ADJOURNMENT:

R. Holm moved to adjourn, J. Lawrence seconded motion. All ayes, Motion carried. No further business, the meeting adjourned at 7:36 pm.

Glen Beard
Chairman



Melissa Sandry
Planning Assistant

LAND USE APPLICATION pg. 1 of 2
Watford City Planning Department

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 11/6/13	APPLICATION NUMBER: 2037-2013
ZONE CHANGE	PROCESSES BY: MS	MEETING DATES: P&Z 11/25/13 CC: 12/2/13
CONDITIONAL USE PERMIT	FEE: \$300 ⁰⁰	ADVERTISE DATE: 11/13 to 11/20/13
VARIANCE	RECEIPT #:	PROPERTY OWNERS NOTIFIED:
VACATION & ABANDONMENT	SECTION/TOWNSHIP/RANGE: 18 150 98	
STREET NAME	RELATED CASE #:	
	FINAL ACTION MEMORANDUM MAILED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Bayfront Builders Inc. / Jeff Hausmann LLC
 APPLICANT: MONDAYONE LLC / PHEASANT RIDGE TOWNHOMES LLC

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Kenny Dewan
 ADDRESS: 30 CORPORATE PARK, # 104
 CITY: Irvine STATE: CA ZIP CODE: 92606
 TELEPHONE: 310-872-6700 EMAIL: Kenny Dewan/ kd@mondayone.com
 ASSESSOR'S PARCEL NUMBER(S): 82-55-06200, 82-55-06300, 82-55-06400, 82-55-06500
 LEGAL DESCRIPTION: Lots 62 - 67 Pheasant Ridge, Sec: 18, Town:150, Rng:98
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: Main Street and 17th ave NE
 GROSS/NET ACREAGE: 2.749 PRESENT ZONE CLASSIFICATION: R-3
 DESIRED ZONE CLASSIFICATION: -Condo C-D RT CURRENT LAST USE: Vacant Lots

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

We are looking to change lots 62-67 from an R-3 zone to a C-D zone to accommodate the condominium buildings we would like to build.

RT Resident Townhome District in R-3 for townhome building

DESCRIBE THE SOURCE OF WATER/SEWER: City of Watford Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2
Watford City Planning Department

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

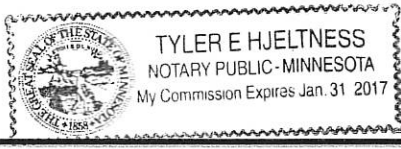
DocuSigned by: _____

 Property Owner Signature Robert Bruckelmyer

 Print of Type Owner Name

NOTARY

State of Minnesota
 County of St. Louis
 This instrument was acknowledged before me on 11-18-2013 by Robert Bruckelmyer
 Date Name of Person



Tyler Hjeltness
 Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

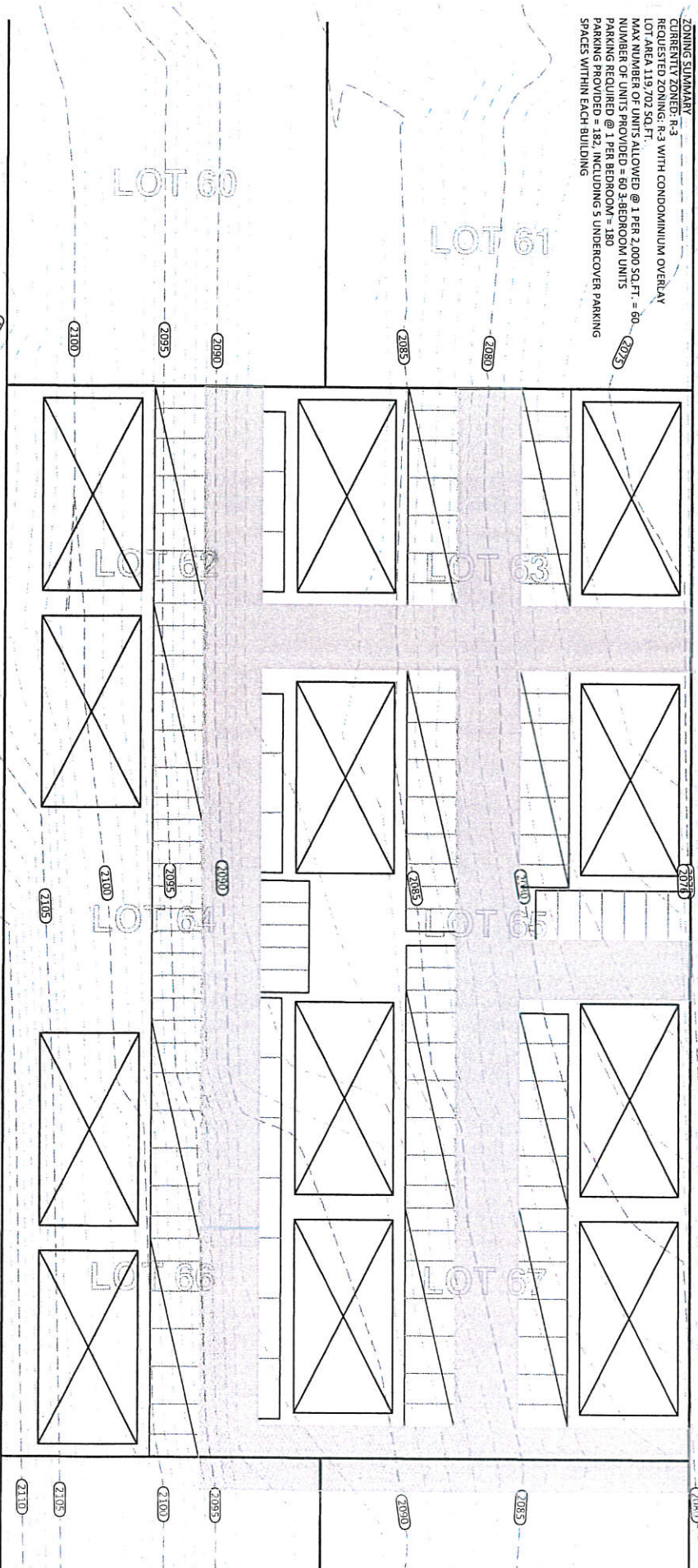
APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	PDF when applicable	Supplemental Info.	Application Fees
Conditional Use Permit	1 ⁶	1	1	1 ⁹		1 ¹¹	1 ¹²	1	1 ¹⁴	\$525 + publishing costs
Zone Change	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ₁₂	1	1 ¹⁴	\$300
Variance	1	1	1			1 ¹¹		1		\$300
Vacation and Abandonment	1		1	1 ⁹	1 ⁸	1 ¹¹		1		Refer to Fee Schedule
Street Name Change*	1					1 ¹¹		1		Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications
 *Plus all sign costs

Procedures for Filing Land Use Applications:

- A. After assembling the required materials as outlined above, only completed applications shall be accepted for filing.
- B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- E. Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- F. The Planning Commission has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.
- G. Site Development Plan Application is required on all Conditional Use Applications.

ZONING SUMMARY
 CURRENTLY ZONED: R-3
 REQUESTED ZONING: R-3 WITH CONDOMINIUM OVERLAY
 LOT AREA: 119,702 SQ.FT.
 MAX NUMBER OF UNITS ALLOWED @ 1 PER 2,000 SQ.FT. = 60
 NUMBER OF UNITS PROVIDED = 60 (3-BEDROOM UNITS)
 PARKING REQUIRED @ 1 PER BEDROOM = 180
 PARKING PROVIDED = 182, INCLUDING 5 UNDERCOVER PARKING SPACES WITHIN EACH BUILDING



THE OWNERSHIP OF THIS DOCUMENT SHALL TRANSFER TO THE PARTY REFERRED TO AS "CLIENT" UPON SIGNING OF A DESIGN CONTRACT BETWEEN THE ARCHITECT AND THE CLIENT. ANY OTHER PARTY WHO MAY BE REFERRED TO AS "CLIENT" IN THIS DOCUMENT IS EXCLUDED FROM THE DESIGN CONTRACT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN CONTRACT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN CONTRACT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN CONTRACT.

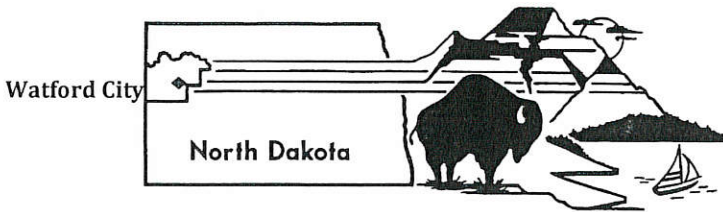


PRELIMINARY SITE LAYOUT
 1" = 40'

08/11/13
 2250 HWY 93 SOUTH
 KALISPELL, MT, 59901
 PHONE: 406-755-3208
 FAX: 406-755-3218
 WEB PAGE: WWW.JACOBS.COM

BAYFRONT BUILDERS / TRACTION CAPITAL / MONDAYONE GROUP
 LOTS 62 TO 67
 WATFORD CITY, NORTH DAKOTA





City of Watford City
Brent Sanford, Mayor
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

November 20, 2013

STAFF REPORT

ZC-37-2013 ZONE CHANGE

Applicant
Mondayone, LLC
Kenny Dewan
30 Corporate Park, # 104
Irvine, CA 92606

Property Owners
Bayfront Builders Inc. /Jeff Hausmann

Property Address: Lot 62-67 of Pheasant Ridge, Parcel #'s 82-55-06200, 82-55-06300, 82-55-06400, 82-55-06500, 2.749 acres

Zone Change Requested: A request to apply R-T Townhome Residential District to the above-referenced lots currently zoned R-3.

Reference: Watford City City Code Sec. XV – Article XXVI, Amendments

Discussion: Article XXVI, Section 1 of the Watford City Zoning Ordinance states that “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.”

The property is currently zoned as R-3 and consideration is asked for application of R-T Townhome Residential District for Lots 62-67.

The City of Watford City mailed the property owners that hold an interest in the property and the adjoining property owners a notice regarding the city’s zone change request. None of the noticed property owners contacted the city regarding the application.

In granting a zone change, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the zone change is in the best long-term interests of the City of Watford City and the other affected properties.

The Planning Commission shall also find that the zone change, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute “spot zoning” so as to allow a use that would otherwise not be permitted.

Under no circumstances shall the Planning Commission recommend a zone change not permissible under the terms of this ordinance.

Surrounding Land Use Inventory:

West: Zoning - R3, R4, McKenzie County
Use - Residential (medium/high)
South: Zoning - R2, R3, Watford City
Use - residential (medium)
North: Zoning - R3, R4, Watford City
Uses - Residential (medium/high)
East: Zoning - A-1, McKenzie County
Uses - Lagoon

Comprehensive Zoning Plan and Zoning Comparison:

At this time, the city does not have a detailed Comprehensive Zoning Plan that can be used as a basis for this decision. Therefore, each request for a zoning amendment must be based solely on the judgment of the commission. The commission must exercise prudence when evaluating this request. All of the possible uses that could occur on this property and the possible effect on surrounding properties must be considered when evaluating whether this zone change should be approved. The "R-T" Residential Townhome District is intended for the purpose of allowing townhome/medium to high-density multi-family dwellings that are for ownership by the inhabitants. The North Dakota Century Code Chapter 47-04.1, Condominium Ownership of Real Property, defines the requirements for mapping of common-wall properties.

Site Development

Access: The property is accessible from Main Street N
Sewer: There are city sanitary sewer mains on the property.
Water: There are city sanitary water mains on the property.

Analysis: The proposed zoning will allow the developer to build townhome/medium to high density multi-family dwellings for ownership by inhabitants. The desired zone change is appropriate use with current and future development.

Recommendation:

It is recommended that the Watford City Planning Commission approve the R-T overlay district to the existing R3 district for the property subject to the following conditions for any future development within the site:

1. The development plan is subject to final approval by the City Planning Department
2. A complete Site Plan Application must be submitted prior to issuance of a building permit.
3. Development of the above referenced project may be subject to a Development Agreement at the request of the City Planning Department.

Contact:

Mildred Williams, Assistant City Planner
miwilliams@nd.gov

LAND USE APPLICATION pg. 1 of 2
Watford City Planning Department

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 11/5/13	APPLICATION NUMBER:
ZONE CHANGE	PROCESSES BY: MS	MEETING DATES: P&Z: 11/25/13 CC: 12/2/13
CONDITIONAL USE PERMIT	FEE: \$300 ⁰⁰	ADVERTISE DATE: 11/13 to 11/20
VARIANCE	RECEIPT #: 92602	PROPERTY OWNERS NOTIFIED:
VACATION & ABANDONMENT	SECTION/TOWNSHIP/RANGE: 14/150N/99W	
STREET NAME	RELATED CASE #:	
	FINAL ACTION MEMORANDUM MAILED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Shangcheng Development LLC
 APPLICANT: Shangcheng Development LLC

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Shangcheng Development LLC, ATTN Daniel Kuo
 ADDRESS: PO Box 2895
 CITY: Watford City STATE: ND ZIP CODE: 58854
 TELEPHONE: 626-272-9058 EMAIL: Daniel.Kuo@ShangchengUSA.com
 ASSESSOR'S PARCEL NUMBER(S): _____

LEGAL DESCRIPTION: _____
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 503 14th St NW - 14th St. NW & 14th St. N
 GROSS/NET ACREAGE: 237 acres PRESENT ZONE CLASSIFICATION: AG
 DESIRED ZONE CLASSIFICATION: R1, R2, R3, R4 CURRENT LAST USE: Vacant Land

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Change of Zone Application upon Annexation and Plat Recording

DESCRIBE THE SOURCE OF WATER/SEWER: _____ Do you have a will serve letter YES NO

Land Use Applications Cannot be Accepted over the Front Counter
Please Call (701) 444-2533 to schedule an appointment

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Rodney Johnson
 Property Owner Signature

Rodney Johnson
 Print of Type Owner Name

NOTARY

State of North Dakota
 County of McKenzie

This instrument was acknowledged before me on Nov. 5, 2013 by Rodney Johnson
 Date Name of Person

MELISSA SANDRY
 Notary Public
 State of North Dakota
 My Commission Expires Oct. 16, 2019

Melissa Sandry
 Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	4	1 ⁹		1 ¹¹	4 ¹²	1 ¹³	1 ¹⁴	\$350.00
Zone Change	1	1	4	1 ⁹	1 ⁸	1 ¹¹	4 ¹²		1 ¹⁴	\$200.00
Variance	1	1	4			1 ¹¹				\$200.00
Vacation and Abandonment	1		4	1 ⁹	1 ⁸	1 ¹¹				Refer to Fee Schedule
Street Name Change*	1					1 ¹¹				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

*Plus all sign costs

Procedures for Filing Land Use Applications:

- A. After assembling the required materials as outlined above, schedule an appointment by calling the Watford City Planning Department at (701) 444-2533. Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.
- B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- E. Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- F. The Planning Commission has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.
- G. Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department
 213 2nd St NE
 Watford City, ND 58854
 Phone: (701)444-2533 Fax: (701)444-3004 Website: www.4eyes.net

Land Use Applications Cannot be Accepted over the Front Counter
Please Call (701) 444-2533 to schedule an appointment

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Daniel Kuo
 Property Owner Signature

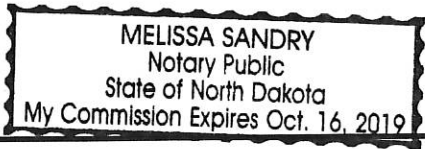
Shangcheng Development LLC

Daniel Kuo
 Print of Type Owner Name

NOTARY

State of North Dakota
 County of McKenzie

This instrument was acknowledged before me on Nov 5, 2013 by Daniel Kuo
 Date Name of Person



Melissa Sandry
 Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
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Variance	1	1	4			1 ¹¹				\$200.00
Vacation and Abandonment	1		4	1 ⁹	1 ⁸	1 ¹¹				Refer to Fee Schedule
Street Name Change*	1					1 ¹¹				Refer to Fee Schedule

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*Plus all sign costs

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- Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- A letter indicating the Commission's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
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- Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department
 213 2nd St NE
 Watford City, ND 58854
 Phone: (701)444-2533 Fax: (701)444-3004 Website: www.4eyes.net

Shangcheng Development LLC
PO Box 2895
Watford City, ND 58854

November 4, 2013

Curt Moen, Planning Director
City of Watford City
213 2nd St NE
Watford City, ND 58854

Subject: Justification for Land Use Application – Emerald Ridge

Dear Mr. Moen,

Shangcheng Development, LLC is pleased to submit our Land Use Application, and associated Annexation Application, for your consideration and processing.

Purpose and Description

The intended purpose of the Land Use Application is to establish zoning for a Residential/Commercial project, to be located just outside the current Watford City limits, to the west of town, along County Road 35/14th Street NW. The approximately 237-acre project responds to the tremendous housing needs of the region as well as the growing demand for commercial and ancillary uses. It also provides internal supportive uses that ensure a sense of community, which will benefit not only the future residents of Emerald Ridge, but current families throughout the area. The comprehensive development proposes to ultimately construct single family homes, two family dwellings, townhomes and apartment complexes as well as supporting commercial, public and open space uses throughout the site (see conceptual site plan). The project would be constructed in approximately six phases over a three-to-four year period.

Adjacent land uses

Adjacent land uses include residential lots and vacant or agricultural land. The project will not adversely affect any of these properties.

Proposed Zoning

The project proposes to establish appropriate zoning on the site in order to facilitate project development. Broad zoning categories will be used at the initial onset of the project, and then specific zoning will be applied during the final map processes. These Zoning Districts are as follows:

- Single Family Dwelling (R-1)
- two family dwellings, District R-2
- Medium Density Residential (R-3)
- High Density Residential (R-4)
- General Commercial District (C-1)

The Residential District (R) is proposed for those areas of the project which would include single family homes, two family dwellings, townhomes and apartments. As each subdivision is finalized, a specific residential zone will be assigned to each parcel.

The Commercial District (C) is proposed for those areas of the project which would include office, commercial and hotel uses. As each subdivision is finalized, a specific commercial zone will be assigned to each parcel.

All proposed subsequent development will either fall within the proposed zoning by right or through the conditional use process. All development will be consistent with the intent and purpose of each zone and will conform to the intensity of use, height, yard, parking and sign regulations as set forth in the City's zoning ordinance.

Potential Impacts

The proposed application may potentially result in impacts on utilities, public services, drainage and traffic.

Utilities

At present, the subject property is inadequately served by utilities. The project will provide for on-site improvements of utilities such as water, sewer, gas, electricity, communications, etc. extended from existing connections or proposed off-site improvements.

Services

The proposed development will create a demand for public services. The project will pay impact fees which will off-set anticipated impacts.

Drainage

The project site may be subject to flooding or hydrology/hydraulic issues due to converging drainage flows. Off-site and/or on-site drainage improvements, including basins, drains, pipes, culverts, etc will be considered to mitigate potential negative effects.

Traffic

The proposed development will generate incremental increases in traffic as build-out progresses. The project will make improvements to the circulation system of on-site streets, intersection improvements (including off-site along County Road 35/14th Street NW), to support the development. Such improvements will be validated as necessary by traffic analyses.

Thank you for your assistance in processing this application. We look forward to working closely with staff and the community over the coming years.

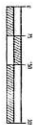
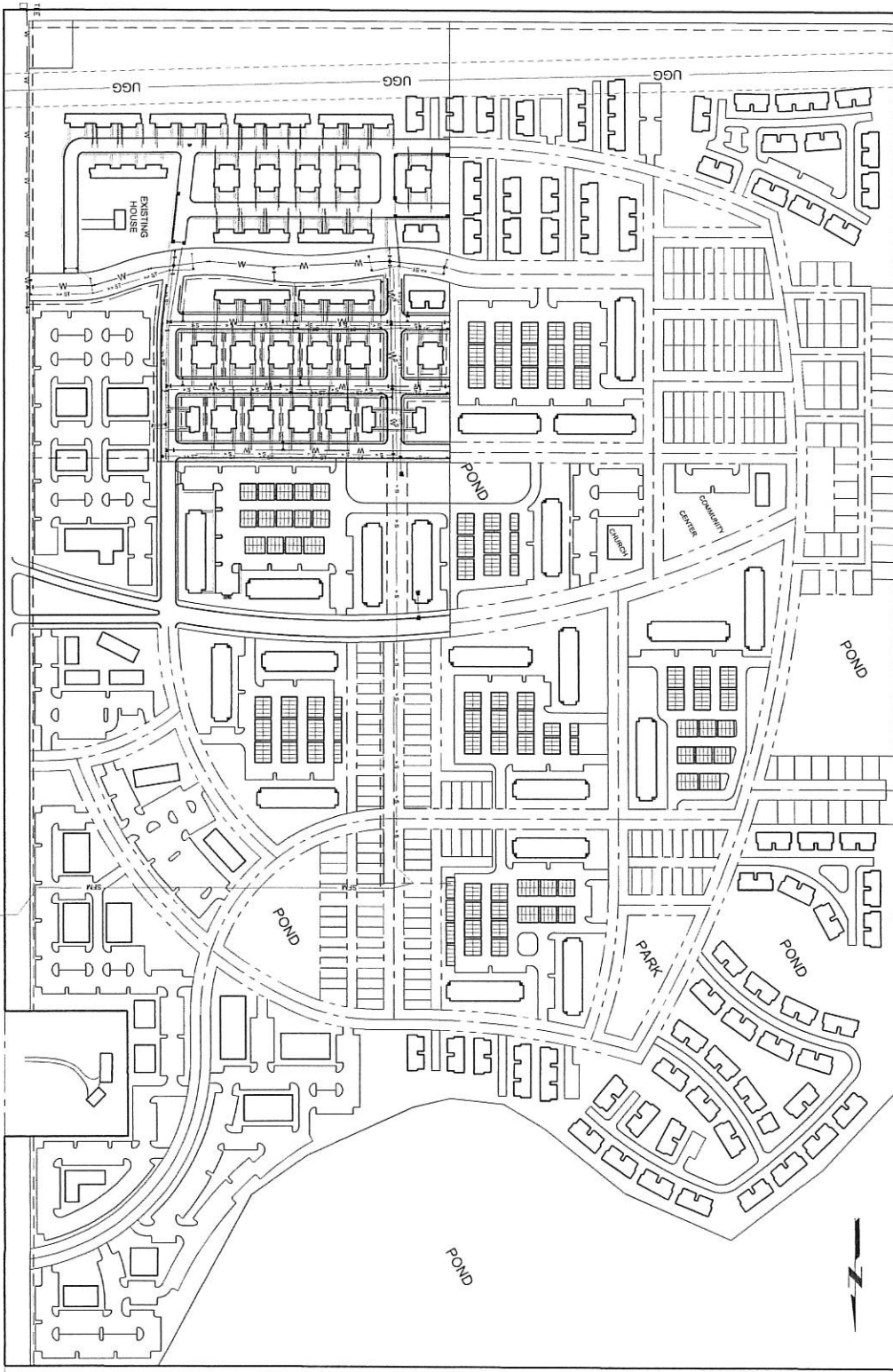
Sincerely,

Daniel Kuo, Vice President
Shangcheng USA Corporation
Shangcheng Development, LLC

EMERALD RIDGE

MASTER PLAN

BY LJA
WATFORD CITY, ND



NOV 13 2013

C-1

PROJECT	EMERALD RIDGE
SITE	WATFORD CITY, ND
PLAN	MASTER PLAN
DATE	NOV 13 2013
SCALE	AS SHOWN
DESIGNED BY	LJA
CHECKED BY	LJA
DATE	NOV 13 2013
PROJECT NO.	13-001
CLIENT	WATFORD CITY, ND
LOCATION	WATFORD CITY, ND
PHASE	MASTER PLAN
STATUS	FOR REVIEW
REVISIONS	

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGN. THE DESIGNER ASSUMES NO LIABILITY FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT. THE DESIGNER IS NOT RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND REGULATIONS. THE DESIGNER IS NOT RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND REGULATIONS. THE DESIGNER IS NOT RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND REGULATIONS.

EMERALD RIDGE

WATFORD CITY

REVISIONS

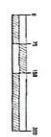
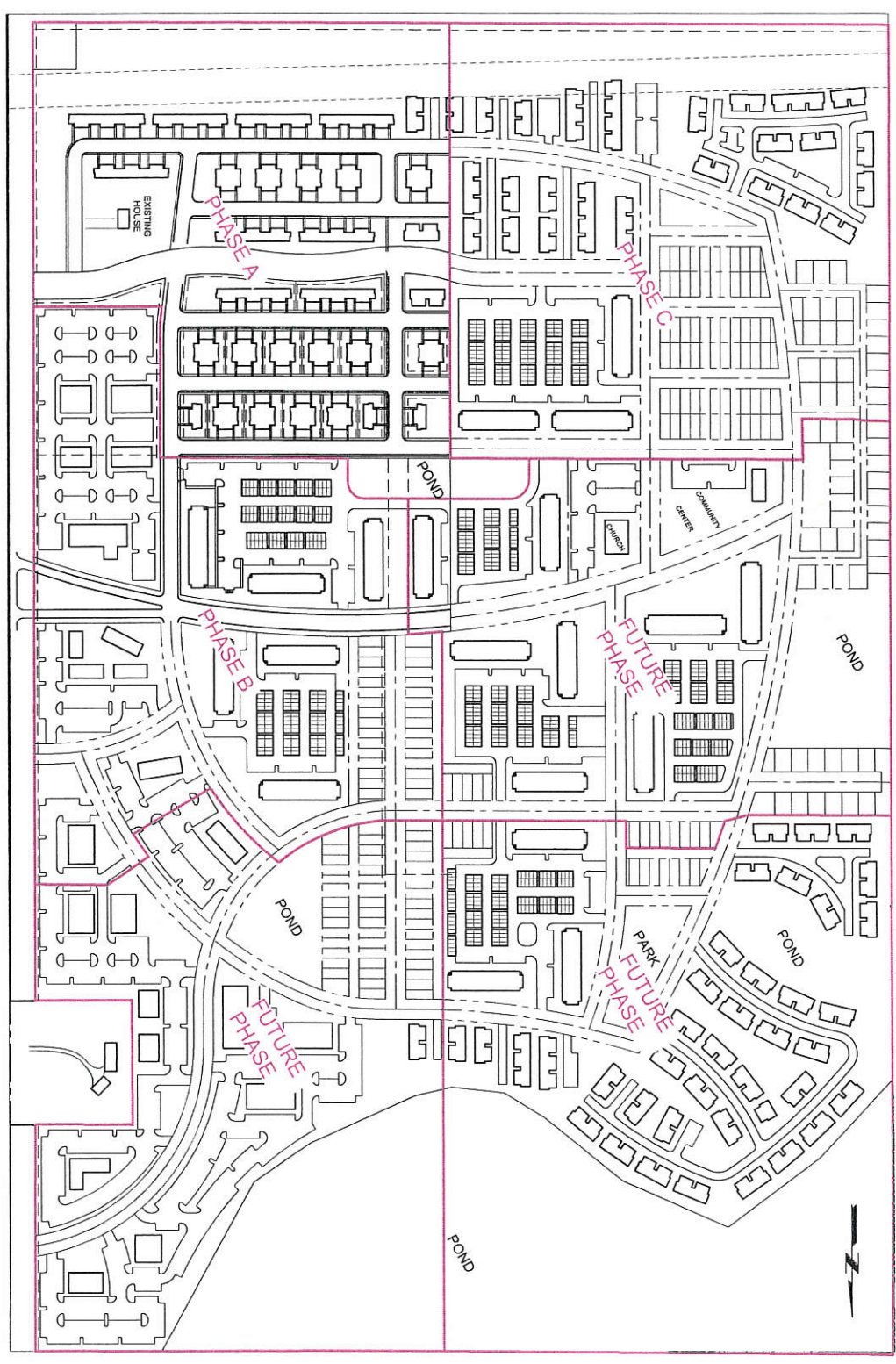
Lightowler Johnson Associates
Architects & Engineers

FARGO, ND TEL: 701-785-1350
BISMARCK, ND TEL: 701-224-5006
WHEELING, ND TEL: 701-877-9223
LJA-1.COM

EMERALD RIDGE

PHASE MAP

WATFORD CITY, ND



NO. 5 201 ©

C-1

SHEET INFORMATION	
DATE	12-20
PROJECT	EMERALD RIDGE
CLIENT	WATFORD CITY
SCALE	1/8" = 1'-0"
DATE	12-20
PROJECT	EMERALD RIDGE
CLIENT	WATFORD CITY
SCALE	1/8" = 1'-0"
DATE	12-20

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

EMERALD RIDGE
WATFORD CITY

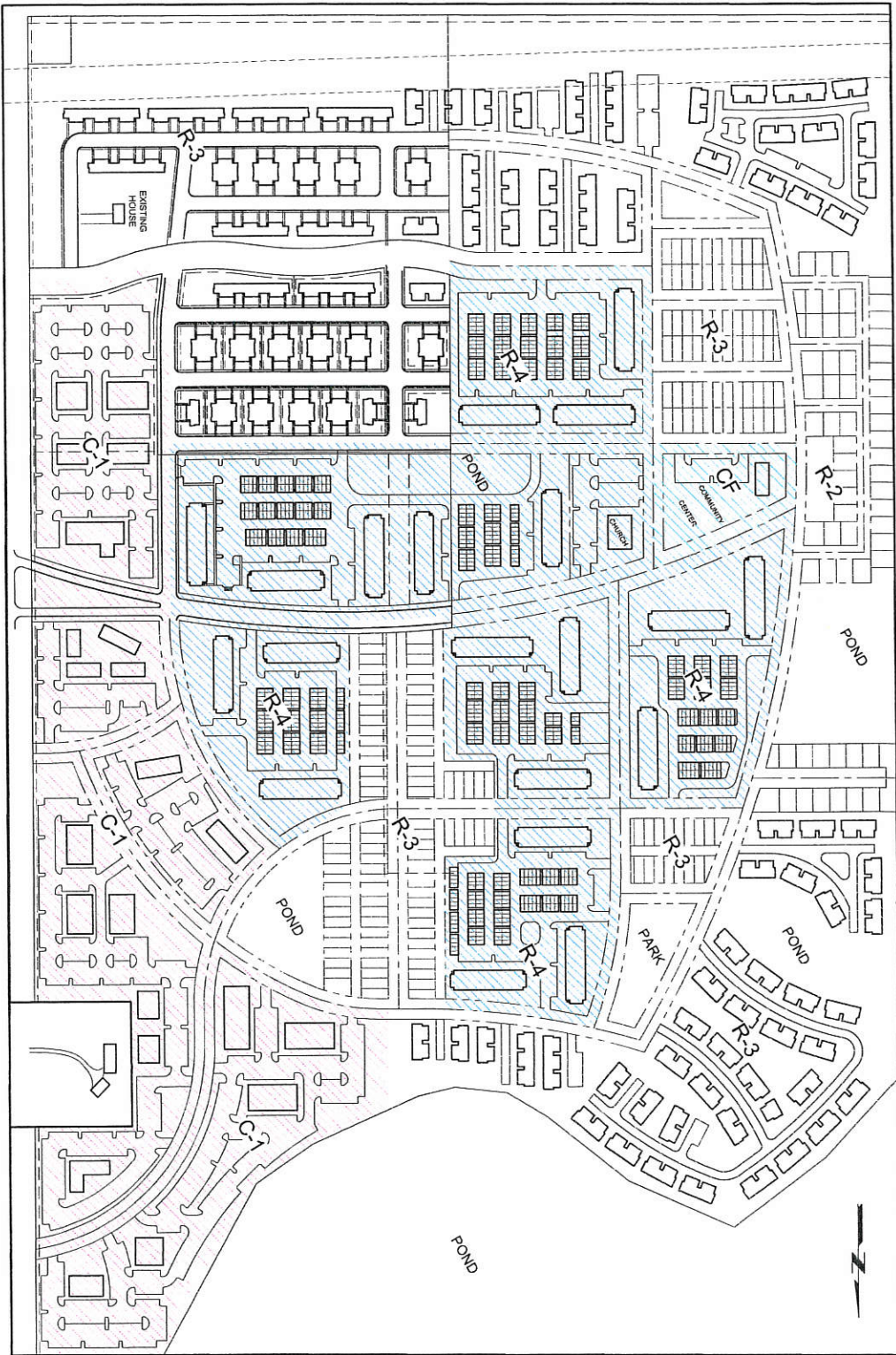
Lightowler Johnson Associates
ARCHITECTS & PLANNERS

FARGO, ND 701-781-1360
BISMARCK, ND 701-224-5006
WHEELING, ND 701-877-6123
LA-1.CTM

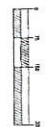
EMERALD RIDGE

ZONING MAP

WATFORD CITY, ND



- LEGEND**
- R-2 TWO-FAMILY DWELLING DISTRICT
 - R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT
 - R-4 HIGH DENSITY RESIDENTIAL DISTRICT
 - C-1 GENERAL COMMERCIAL DISTRICT
 - CF COMMUNITY FACILITIES



EMERALD RIDGE
WATFORD CITY

Lightowler Johnson Associates
Architects & Planners

FARGO, ND 701-263-1300
BISMARCK, ND 701-224-5046
WALLSTON, ND 701-571-8022
LJA-1.COM

C-1
PROPOSED ZONING PLAN

Midwest Traffic Consulting, LLC

7900 International Drive, Suite 300
Bloomington, MN 55425
612.875.2417
scott@midwesttrafficconsulting.com
www.midwesttrafficconsulting.com



Mr. Troy Tooz
Lightowler Johnson Associates

4 September 2013

Dear Mr. Tooz,

MTC has been retained to investigate the traffic generating characteristics for the proposed Emerald Green development located in Watford City, North Dakota. The site as proposed would consist of apartments, four-plexes and six-plexes, and mixed-use buildings. For trip generation, the development will have 912 apartment units, 664 townhouse units, and 108,768 square feet of retail.

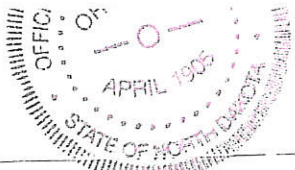
The site is located northwest of the City of Watford City, on the east side of 14th Street NW, north of US 85. Two access driveways are proposed along 14th Street NW.

A trip generation analysis has been prepared in accordance with the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, which is enclosed. Table 1 summarizes the estimated trips generated by this development.

Average Weekday Driveway Volumes				AM Peak Hour		PM Peak Hour		
Land Use	ITE Code	Size		Daily Trips	Enter	Exit	Enter	Exit
Apartment	220	912	Dwelling Units	5750	144	351	343	219
Residential Condominium/ Townhouse	230	664	Dwelling Units	3339	46	194	168	94
Specialty Retail Center	108	10	Th.Sq.Ft. GLA	4787	355	384	304	238
Total New Trips				13876	545	929	815	551

If you have any questions, please feel free to contact me any time at 612.875.2417.

Scott P. Israelson, P.E., PTOE
Midwest Traffic Consulting, LLC



COUNTY RECORDER, MCKENZIE COUNTY, ND

453481

I certify that this instrument was filed and recorded,
Ann M Johnsrud, County Recorder Fee \$10.00

By Kate R. Paulson, Deputy Jul 01, 2013 01:55 PM

Delinquent Taxes and Special Assessments, or Installments
or Special Assessments, paid and transfer entered this
1 day of July, 2013.
Rinda S. Johnson County Auditor
by Ann M Johnsrud Deputy



W13-6510

WARRANTY DEED

THIS INDENTURE Made this June 28, 2013, between **RODNEY F. JOHNSRUD and BRENDA J. JOHNSRUD, husband and wife**, grantors, whether one or more, to **SHANGCHENG DEVELOPMENT LLC**, grantee, whose post office address is 700 S Flower St #1100 Los Angeles, CA 90017

WITNESSETH for and in consideration of the sum of \$10.00 and more consideration, grantor does hereby GRANT to the grantee all of the following real property lying and being in the County of McKenzie, State of North Dakota, and described as follows, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, including IT# 1227, Section 14, Township 150 North of Range 99 West of the 5th P.M., McKenzie County, North Dakota

Subject to prior mineral reservations of record; and further Excepting and Reserving unto the grantors, all oil, gas, coal and other minerals together with the compounds and by-products of each of them, with the right of ingress and egress for the purpose of exploring, developing and operating for said minerals.

And the said grantors-for themselves, their heirs, executors and administrators, does covenant with the grantee that they are well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and premises in the quiet and peaceable possession of said grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the said grantors will warrant and defend.

WITNESS the hand of the grantors:

I certify that a report of full consideration paid for the property described in this deed has been filed with the North Dakota State Board of Equalization.

Signed Teri Jo Wolff Date 6-28-13
Grantee or Agent

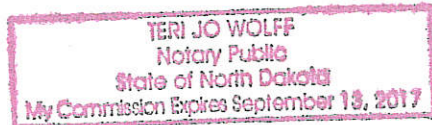
Rodney F. Johnsrud
RODNEY F. JOHNSRUD
Brenda J. Johnsrud
BRENDA J. JOHNSRUD

State of North Dakota
County of McKenzie) ss

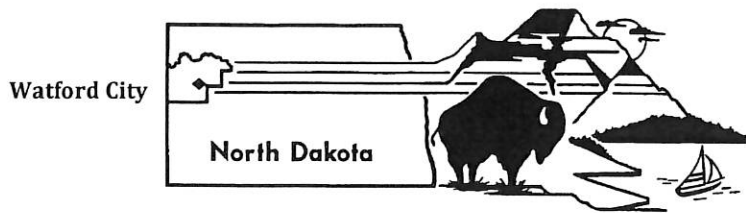
On this 28 day of June, 2013, before me, personally appeared RODNEY F. JOHNSRUD and BRENDA J. JOHNSRUD, husband and wife, known to me to be the persons who are described in, and who executed the within and foregoing instrument, and severally acknowledge that they executed the same.

My Commission expires:

Teri Jo Wolff
Notary Public



1P
10-
X



City of Watford City
Brent Sanford, Mayor
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

Nov 21, 2013

STAFF REPORT

ZC-36-2013

ZONE CHANGE

Applicant

Shangcheng Development LLC
PO Box #2895
Watford City, ND 58854

Property Owners

Shangcheng Development LLC

Property Address: County Rd 35/14th St NW

Zone Change Requested: A request to change the zoning of the above-referenced lot from Ag(agricultural) to R1,R2,R3,R4 andC1(commercial).

Reference: Watford City City Code Sec. XV – Article XXVI, Amendments

Discussion: Article XXVI, Section 1 of the Watford City Zoning Ordinance states that “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.”

The property is located on County Rd 35/14th St NW

The existing property is currently zoned Ag(agriculture) The site is accessible from County Rd 35 The site is currently in the process of being annexed into city limits and is located within the ETA therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission. The intent of the ETA is to regulate growth and development within one mile of the City but to not be restrictive in nature.

The intent of the zone change application is to allow for development of the property into multi use development with a mixture of residential units and some commercial property.

The City of Watford City mailed the property owners that hold an interest in the property and the adjoining property owners a notice regarding the city’s zone change request. None of the noticed property owners contacted the city regarding the application.

In granting a zone change, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the zone change is in the best long-term interests of the City of Watford City and the other affected properties.

The Planning Commission shall also find that the zone change, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance (established & proposed master plan) and does not constitute "spot zoning" so as to allow a use that would otherwise not be permitted. Under no circumstances shall the Planning Commission recommend a zone change not permissible under the terms of this ordinance.

Surrounding Land Use Inventory:

West: Zoning -	Ag, McKenzie County
Use -	Agriculture
South: Zoning -	C1, Watford City
Use -	Commercial
North: Zoning -	Ag, McKenzie County
Uses -	Agriculture
East: Zoning -	Ag, McKenzie County
Uses -	Agriculture

Comprehensive Zoning Plan and Zoning Comparison:

At this time, the city does not have a detailed Comprehensive Zoning Plan that can be used as a basis for this decision. Therefore, each request for a zoning amendment must be based solely on the judgment of the commission. The commission must exercise prudence when evaluating this request. All of the possible uses that could occur on this property and the possible effect on surrounding properties must be considered when evaluating whether this zone change should be approved. The intent of the "C-1" Commercial District is to allow 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. R1,R2,R3,R4, Single Family, Medium and High Density Residential is intended for the development of multiple densities of residential housing ranging from high density down to single family homes.

Site Development

Access: The property is accessible from County Road 35

Sewer: There are currently no city sanitary sewer mains on the property.

Water: There are currently no city water mains on the property.

Analysis: The proposed zoning will bring the intended development into compliance with the city's zoning standards.

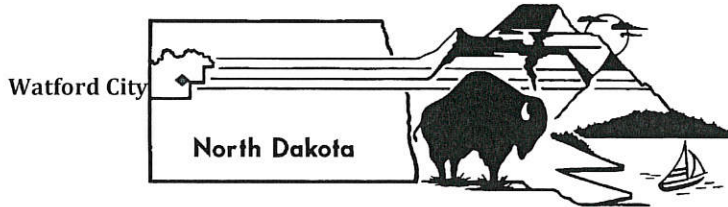
Recommendation:

It is recommended that the Watford City Planning Commission approve a zone change from Ag to C1, R1,R2,R3 and R4 for the property subject to the following conditions:

1. All appropriate applications and studies are submitted to the planning dept. regarding this development.

Contact:

Seth Sampson
Assistant City Planner
701-444-2533
ssampson@nd.gov



City of Watford City
Brent Sanford, Mayor
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

November 20, 2013

STAFF REPORT

ZC-37-2013 ZONE CHANGE

Applicant

Mundayone, LLC
Kenny Dewan
30 Corporate Park, # 104
Irvine, CA 92606

Property Owners

Bayfront Builders Inc. /Jeff Hausmann

Property Address: Lot 62-67 of Pheasant Ridge, Parcel #'s 82-55-06200, 82-55-06300, 82-55-06400, 82-55-06500, 2.749 acres

Zone Change Requested: A request to apply R-T Townhome Residential District to the above-referenced lots currently zoned R-3.

Reference: Watford City City Code Sec. XV – Article XXVI, Amendments

Discussion: Article XXVI, Section 1 of the Watford City Zoning Ordinance states that “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.”

The property is currently zoned as R-3 and consideration is asked for application of R-T Townhome Residential District for Lots 62-67.

The City of Watford City mailed the property owners that hold an interest in the property and the adjoining property owners a notice regarding the city’s zone change request. None of the noticed property owners contacted the city regarding the application.

In granting a zone change, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the zone change is in the best long-term interests of the City of Watford City and the other affected properties.

The Planning Commission shall also find that the zone change, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute “spot zoning” so as to allow a use that would otherwise not be permitted.

Under no circumstances shall the Planning Commission recommend a zone change not permissible under the terms of this ordinance.

Surrounding Land Use Inventory:

West: Zoning - R3, R4, McKenzie County
Use - Residential (medium/high)
South: Zoning - R2, R3, Watford City
Use - residential (medium)
North: Zoning - R3, R4, Watford City
Uses - Residential (medium/high)
East: Zoning - A-1, McKenzie County
Uses - Lagoon

Comprehensive Zoning Plan and Zoning Comparison:

At this time, the city does not have a detailed Comprehensive Zoning Plan that can be used as a basis for this decision. Therefore, each request for a zoning amendment must be based solely on the judgment of the commission. The commission must exercise prudence when evaluating this request. All of the possible uses that could occur on this property and the possible effect on surrounding properties must be considered when evaluating whether this zone change should be approved. The "R-T" Residential Townhome District is intended for the purpose of allowing townhome/medium to high-density multi-family dwellings that are for ownership by the inhabitants. The North Dakota Century Code Chapter 47-04.1, Condominium Ownership of Real Property, defines the requirements for mapping of common-wall properties.

Site Development

Access: The property is accessible from Main Street N
Sewer: There are city sanitary sewer mains on the property.
Water: There are city sanitary water mains on the property.

Analysis: The proposed zoning will allow the developer to build townhome/medium to high density multi-family dwellings for ownership by inhabitants. The desired zone change is appropriate use with current and future development.

Recommendation:

It is recommended that the Watford City Planning Commission approve R-T district to existing R3 for the property subject to the following conditions for any future development within the site:

1. The development plan is subject to final approval by Planning Department Staff.
2. Site Plan Application (with required documents) must be submitted prior to issuance of building permit.
3. Development of proposed project may be subject to a Development Agreement at Staff request.

Contact:

Mildred Williams, Assistant City Planner
miwilliams@nd.gov

LAND USE APPLICATION

Watford City Planning Department

See Reverse for Submittal Requirements

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: <u>10/11/13</u>	APPLICATION NUMBER:
<input checked="" type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: <u>MS</u>	MEETING DATES: P&Z: <u>11/25</u> CC: <u>12/2</u>
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT - \$350.00 fee plus publishing cost	FEE: <u>200⁰⁰</u>	ADVERTISE DATE: <u>11/13</u> & <u>11/20</u>
<input checked="" type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #:	PROPERTY OWNERS NOTIFIED:
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: <u>150 N, 98 W Section 24</u>	
<input checked="" type="checkbox"/> VACATION and ABANDONMENT	RELATED CASE NOS:	
<input checked="" type="checkbox"/> SIMPLE LOT SPLIT - \$450.00	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Shawn Galman
 APPLICANT: Shawn Galman

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Shawn Galman
 ADDRESS: 109 4th Ave NW
 CITY: Watford City STATE: N.D ZIP CODE: 58854
 TELEPHONE: 701-770-1185 EMAIL: Galpet197@gmail.com
 ASSESSOR'S PARCEL NUMBER(S): 82-03-05200
 LEGAL DESCRIPTION: Sec. 24 Township 150 N Range 98 W
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 109 4th Ave NW
 GROSS/NET ACREAGE: _____ PRESENT ZONE CLASSIFICATION: C1
 DESIRED ZONE CLASSIFICATION: C1 CURRENT LAST USE: C1

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS
 (USE ADDITIONAL PAGES IF NEEDED)

Side yard Set back - 16x32 cold storage Building
12 foot sidewalls No windows 5 feet away
Slant Roof power from his
Steel Insulation Property
wood floor Electricity line

DESCRIBE THE SOURCE OF WATER/SEWER: NA Do you have a will serve letter YES NO

Land Use Applications Cannot be Accepted over the Front Counter
Please Call (701) 444-2533 to schedule an appointment

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Shawn Garman

Property Owner Signature

Shawn Garman

Print of Type Owner Name

NOTARY

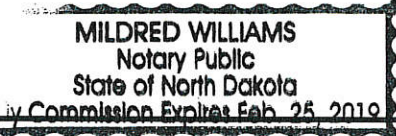
State of North Dakota

County of McKenzie

This instrument was acknowledged before me on

11 Oct 2013
Date

by Shawn Garman
Name of Person



Mildred Williams
Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	4	1 ⁹		1 ¹¹	4 ¹²	1 ¹³	1 ¹⁴	\$350.00
Zone Change	1	1	4	1 ⁹	1 ⁸	1 ¹¹	4 ¹²		1 ¹⁴	\$200.00
Variance	1	1	4			1 ¹¹				\$200.00
Vacation and Abandonment	1		4	1 ⁹	1 ⁸	1 ¹¹				Refer to Fee Schedule
Street Name Change*	1					1 ¹¹				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

*Plus all sign costs

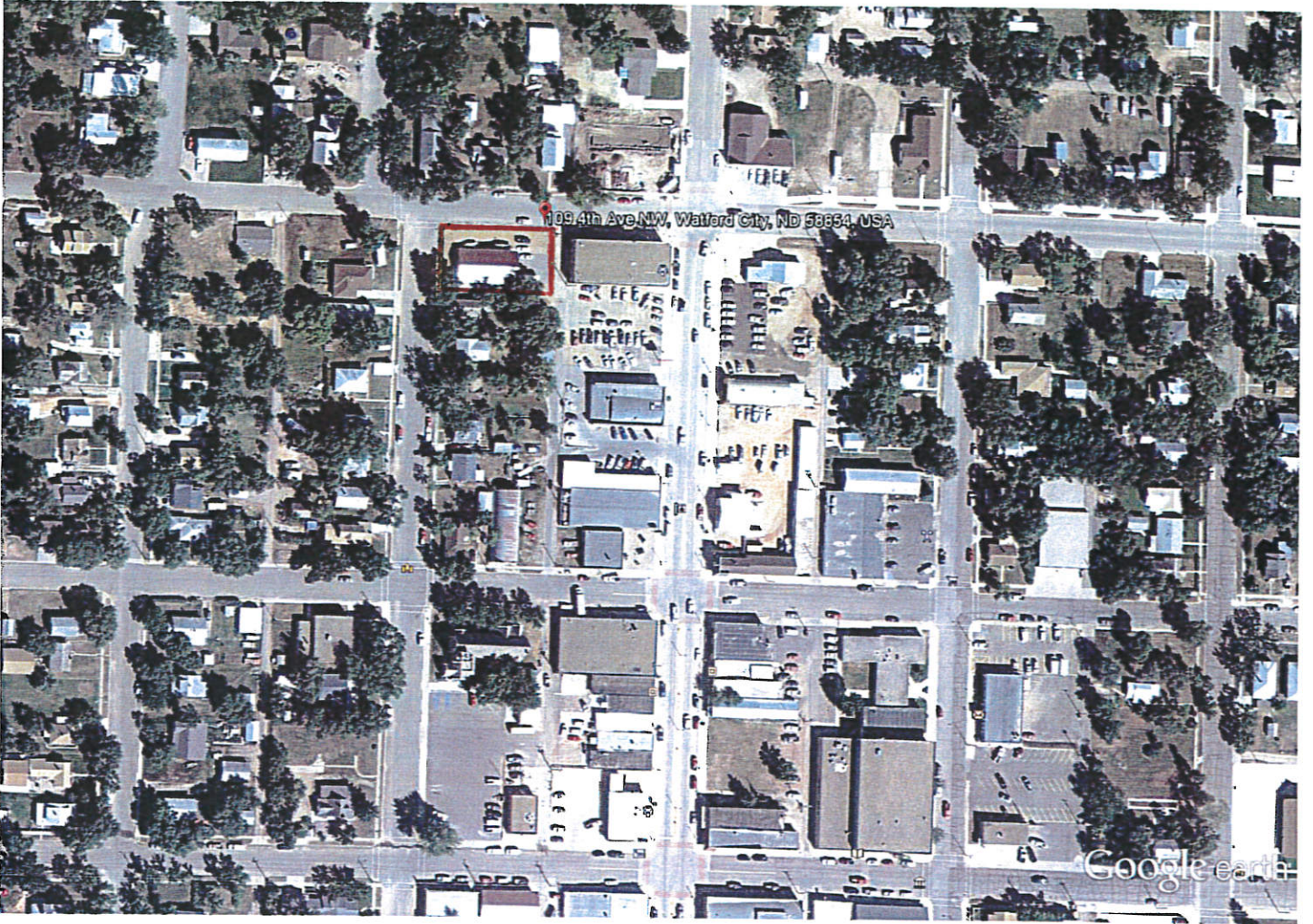
Procedures for Filing Land Use Applications:

- After assembling the required materials as outlined above, schedule an appointment by calling the Watford City Planning Department at (701) 444-2533. Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.
- Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- A letter indicating the Commission's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- The Planning Commission has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.
- Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department
213 2nd St NE

Watford City, ND 58854

Phone: (701)444-2533 Fax: (701)444-3004 Website: www.4eyes.net



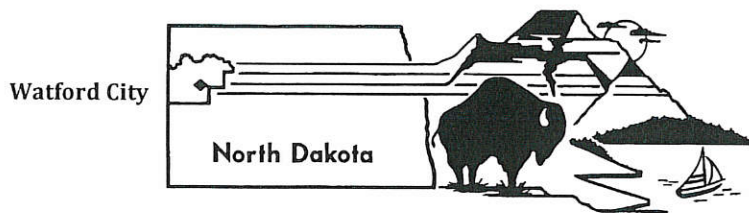
109 4th Ave NW, Waverly City, ND 58834, USA

Google earth

Google earth

feet
meters





City of Watford City
Brent Sanford, Mayor
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

November 14, 2013

STAFF REPORT

V-6-2013

VARIANCE

Applicant

Shawn Garman
109 4th Ave NW
Watford City, ND 58854

Property Owner

Same

Property Address: 109 4th Ave NW

Variations Requested:

A request for a ten (10') foot variance from the required fifteen (15') foot side setback on the south side of property.

Reference: Watford City City Code Sec. XV – Article XXVII, Variances

Discussion: The applicant would like to place a 16x32 free standing storage building on the south side of his property. The abutting property is zoned R-1 which requires fifteen foot setback (commercial to residential). The owner to the south is very much in favor of the variance.

Watford City Code Sec. XV – Article XXVII, Variances - Section 1 – Requirements for Variances and Section 2 – Limitations

Article XXVII, Section 1 of the Watford City Zoning Ordinance outlines the following circumstances that must be shown in order to grant a variance:

1. Unique conditions apply to this property that do not generally apply to other properties in the vicinity as a result of exceptional narrowness, shallowness, or shape, by reason of exceptional topographical conditions, or other extraordinary or exceptional circumstances the strict application of the terms of this zoning ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. The yard regulation variance may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.

In granting a variance, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner.

The planning Commission shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries. Under no circumstances shall the Planning Commission grant a variance allowing a use within a district not permissible under the terms of this ordinance.

The property is located on 4th Ave NW.

The existing property is currently being used as an appliance and floor covering store and is located in a C-B district.

Site Development

Access: The property is accessible from 4th Ave and the rear alley

Sewer: City

Water: City

Recommendation:

It is recommended that the Watford City Planning Commission approve the above requested variances for the following reasons:

1. The proposed variances will not adversely affect the neighborhood and is compliant with the City zoning.
2. The requested setback does not create any traffic obstructions.
3. The neighbor abutting this property has no objections with the variance.
4. The proposed building will actually help give a cleaner appearance to the back alley way.

Contact:

Steven Williams
Watford City Building Inspector/Code Enforcement Officer
swwilliams@nd.gov

LAND USE APPLICATION pg. 1 of 2

Watford City Planning Department

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 11/4/13	APPLICATION NUMBER: V5-2013
<input type="checkbox"/> ZONE CHANGE- \$200.00 fee	PROCESSES BY: MS	MEETING DATES: P&Z: 11/25 CC: 12/4
<input type="checkbox"/> CONDITIONAL USE PERMIT \$350.00 fee plus publishing cost	FEE: 200 ⁰⁰	ADVERTISE DATE: 11/13 & 11/20
<input checked="" type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: 926022	PROPERTY OWNERS NOTIFIED:
<input type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE:	
<input type="checkbox"/> VACATION & ABANDONMENT	RELATED CASE NOS:	
<input type="checkbox"/> SIMPLE LOT SPLIT - \$450.00 fee	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: SHELLEY SUEZLE - TO BE QUIT CLAIMED TO APPLICANT
 APPLICANT: DAVID + DEANNE VALENZUELA

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: DAVID VALENZUELA 770-8248
 ADDRESS: 321 2ND ST NE
 CITY: WATFORD CITY STATE: ND ZIP CODE: 58854
 TELEPHONE: 701-444-3283 EMAIL: dvalen321@gmail.com
 ASSESSOR'S PARCEL NUMBER(S): 82-03-06100
 LEGAL DESCRIPTION: PARTS OF LOTS 5+6, Block 5 END Addition to Watford City
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 328 3RD ST NW (3RD ST + 4TH AVE NW)
 GROSS/NET ACREAGE: 0.21 Ac. PRESENT ZONE CLASSIFICATION: R1
 DESIRED ZONE CLASSIFICATION: R1 CURRENT LAST USE: Vacant

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

15' variance from the west property line to accommodate a re-located home + garages due to displacement related to main street expansion.

5' variance from the east property line for garage for same reasons stated above.

* See Attached Sketch

DESCRIBE THE SOURCE OF WATER/SEWER: Watford City Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2

Watford City Planning Department

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.



 Property Owner Signature



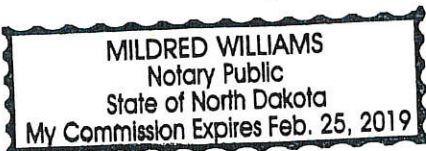
 Print of Type Owner Name


NOTARY

State of North Dakota

County of McKenzie

This instrument was acknowledged before me on November 5 2013 by SHELLEY SUELZE
 Date Name of Person





 Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	2	1 ⁹		1 ¹¹	1 ¹²	1 ¹³	1 ¹⁴	\$350.00
Zone Change	1	1	2	1 ⁹	1 ⁸	1 ¹¹	1 ¹²		1 ¹⁴	\$200.00
Variance	1	1	2			1 ¹¹				\$200.00
Vacation and Abandonment	1		2	1 ⁹	1 ⁸	1 ¹¹				Refer to Fee Schedule
Street Name Change*	1					1 ¹¹				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

*Plus all sign costs

Procedures for Filing Land Use Applications:

- A. After assembling the required materials as outlined above, only completed applications shall be accepted for filing.
- B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Commission's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- E. Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- F. The Planning Commission has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.
- G. Site Development Plan Application is required on all Conditional Use Applications.

Watford City Planning Department
 213 2nd St NE / PO Box 494
 Watford City, ND 58854

Phone: (701)444-2533 Fax: (701)444-3004 Website: www.mckenziecounty.net



Google earth

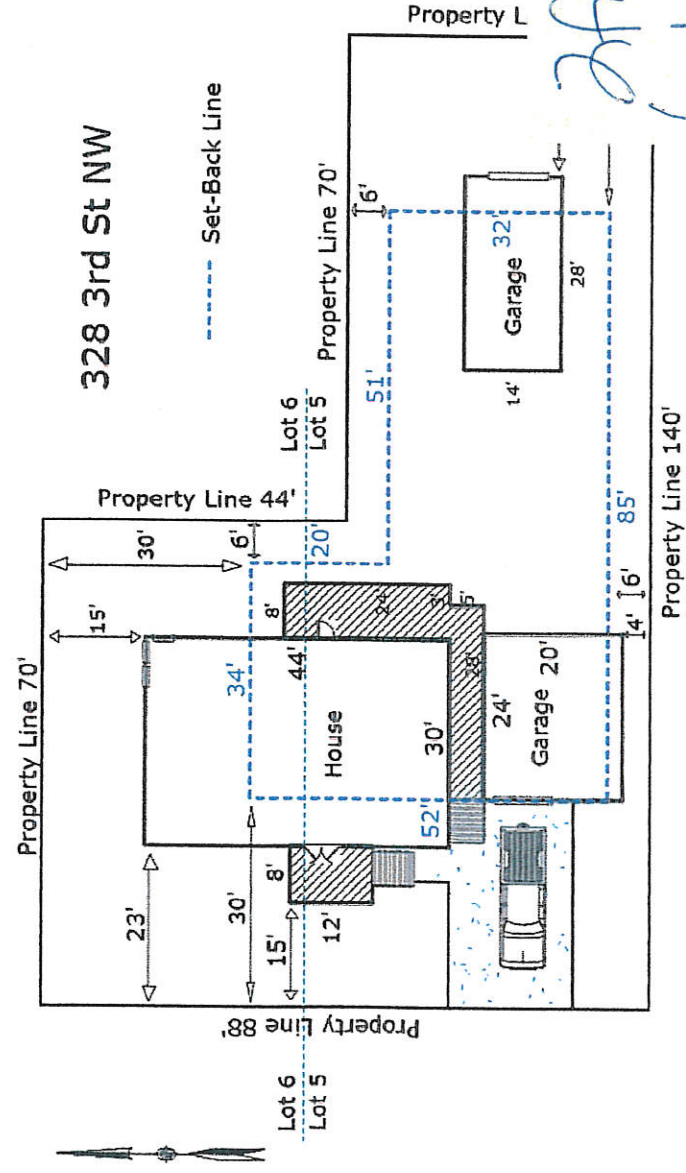
feet
meters



11/5/13 (4:00am)

328 3rd STREET NW

Lot 5 minus the north 6 feet of the east 70 feet,, & Lot 6 minus the east 70 feet, Block 5, 2nd Addition to Watford City
Watford City, McKenzie County, North Dakota



front setback
 side 2ft of neg. 4ft. to 4ft.
 7ft Variance west
 15ft Variance North
 2ft South

**Justification Letter
For
328 3rd Street NW
(10/31/2013)**

To Whom It May Concern:

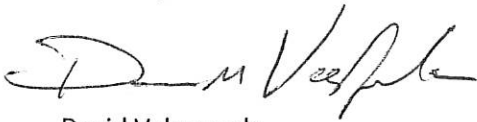
The Valenzuela's intend to sell their property at 325 2nd Street NE. As part of the sale agreement, the home would be moved to 328 3rd Street NW, which consists of irregular Lots 5 and 6 within Block 5 of the 2nd Addition to Watford City.

The irregular lots require a variance of the 30' set-back from the west property line and a variance of the 25' set-back from the east property line to prevent excessive snow drifting over the top of Cari Opsta's underground home to the east of Lot 6 and allow proper drainage between the homes.

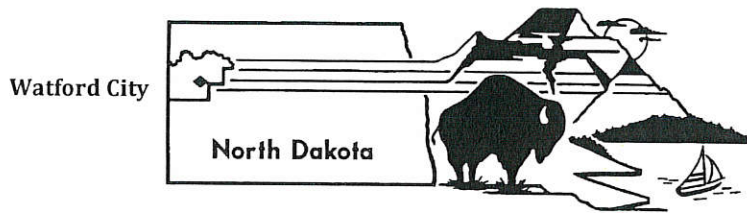
To gain separation between the homes, our house would need to be located 23' from the west property line. The front porch would extend another 8' for a total requested variance of 15' from the west property line (See attached sketch). The east garage would set about 20' lower than the house/garage due to an elevation change at the site, requiring a 5' variance in order to maintain adequate drainage to the east.

If further clarification is required, please call me at home (701) 444-3283 or on my cell at (701) 770-8268.

Sincerely,



David Valenzuela



City of Watford City
Brent Sanford, Mayor
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

November 13, 2013

STAFF REPORT

V-5-2013

VARIANCE

Applicant

David and Deanna Valenzuela
321 2nd ST NE
Watford City, ND 58854

Property Owners

Shelley Suelzle

Property Address: 328 3rd ST NW

Variances Requested:

A request for a seven (7') foot variance from the required thirty (30') foot front setback on 3rd ST NW. A request for a fifteen (15') foot variance (one half rule) from the required thirty (30') foot setback (double frontage corner lot) on 4th Ave NW, and a two (2') foot variance from the required six (6') foot side setback on the south side of property.

Reference: Watford City City Code Sec. XV – Article XXVII, Variances

Discussion: The applicant would like to move their existing home from 321 2nd St to 328 3rd Ave NW

Watford City Code Sec. XV – Article XXVII, Variances - Section 1 – Requirements for Variances and Section 2 – Limitations

Article XXVII, Section 1 of the Watford City Zoning Ordinance outlines the following circumstances that must be shown in order to grant a variance:

1. Unique conditions apply to this property that do not generally apply to other properties in the vicinity as a result of exceptional narrowness, shallowness, or shape, by reason of exceptional topographical conditions, or other extraordinary or exceptional circumstances the strict application of the terms of this zoning ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. The yard regulation variance may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.

In granting a variance, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner.

The planning Commission shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries. Under no circumstances shall the Planning Commission grant a variance allowing a use within a district not permissible under the terms of this ordinance.

The property is located on 3rd Ave NW.

The existing property is currently vacant and is located in an R-1 district.

Site Development

Access: The property is accessible from 3rd St and the rear alley

Sewer: City

Water: City

Recommendation:

It is recommended that the Watford City Planning Commission approve the above requested variances for the following reasons:

1. The proposed variances will not adversely affect the neighborhood and is compliant with the City zoning.
2. The requested setbacks do not create any traffic obstructions.
3. With a dwelling on the vacant lot, the City will benefit with the additional tax revenue

Contact:

Steven Williams

Watford City Building Inspector/Code Enforcement Officer

swwilliams@nd.gov

DIVISION OF LAND / PLANNING APPLICATION

CITY OF WATFORD CITY

PO Box 494 / 213 2nd St NE Watford City, ND 58854

APPLICATION TYPE	DATE FILED: <u>11/8/13</u>	APPLICATION NUMBER: <u>SLP-11-2013</u>
SUBDIVISION PRELIMINARY MAP	PROCESSED BY: <u>NIS</u>	PLANNING AND ZONING: <u>11/29 & 12/2</u>
SUBDIVISION FINAL MAP	FEE: <u>✓</u>	CITY COUNCIL:
SIMPLE LOT SPLIT	RECEIPT #:	SECTION / TOWNSHIP / RANGE: <u>29 150N 98W</u>
LARGE PARCEL MAP PRELIMINARY	RELATED CASE FILES:	FINAL ACTION LETTER ISSUED DATE:

LARGE PARCEL MAP FINAL	PROPERTY OWNER: <u>Sonia, Denise, & Lori Hegg</u> APPLICANT: <u>McKenzie County</u> <p align="center"><i>CORRESPONDENCE FOR THIS APPLICATION SHOULD BE ADDRESSED TO:</i></p> NAME: <u>Linda Svihovec</u> PHONE: <u>701-444-3616 Ext. 1408</u> ADDRESS: <u>201 5th Street NW, Ste 543</u> CITY: <u>Watford City</u> STATE: <u>ND</u> ZIP CODE: <u>58854</u> EMAIL: <u>lsvihovec@co.mckenzie.nd.us</u>
PARCEL MAP SUBSEQUENT	
PARCEL MAP NON-SUBSEQUENT	
FAMILY CEMETERY DESIGNATION	
AGRICULTURAL EXEMPTION	

ASSESSOR'S PARCEL NUMBER(S): 20-00-19500

LEGAL DESCRIPTION: T-150N, R-98W, Sec 29, NW 1/4

PROPERTY ADDRESS AND NEAREST CROSS STREETS: 125th Ave & Charlie Cut-off Road

GROSS/NET ACREAGE: 160 acre NUMBER OF LOTS: 2 ZONING: Ag

DESCRIBE THE METHOD OF PROVIDING WATER & SEWER: Well & Septic

ARE ANY WAIVERS OR VARIANCES REQUIRED TO SUPPORT THIS APPLICATION?: No

(IF YES, ATTACH A JUSTIFICATION LETTER DESCRIBING SUCH WAIVERS OR VARIANCES). WAIVERS AND VARIANCES SHOULD BE DISCUSSED WITH PLANNING DEPARTMENTS STAFF PRIOR TO FILING ANY REQUIRED APPLICATION.

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under WATFORD CITY CODE; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the City of Watford and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Property Owner (Signature): _____

Property Owner (Print): Sonia, Denis, & Lori Hegg

Property Owner (Signature): _____

SURVEYOR / ENGINEER INFORMATION *(Place Sureyor Stamp in Open Area)*

NAME: Matthew Beard LICENSE NO: 6383

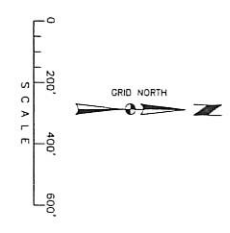
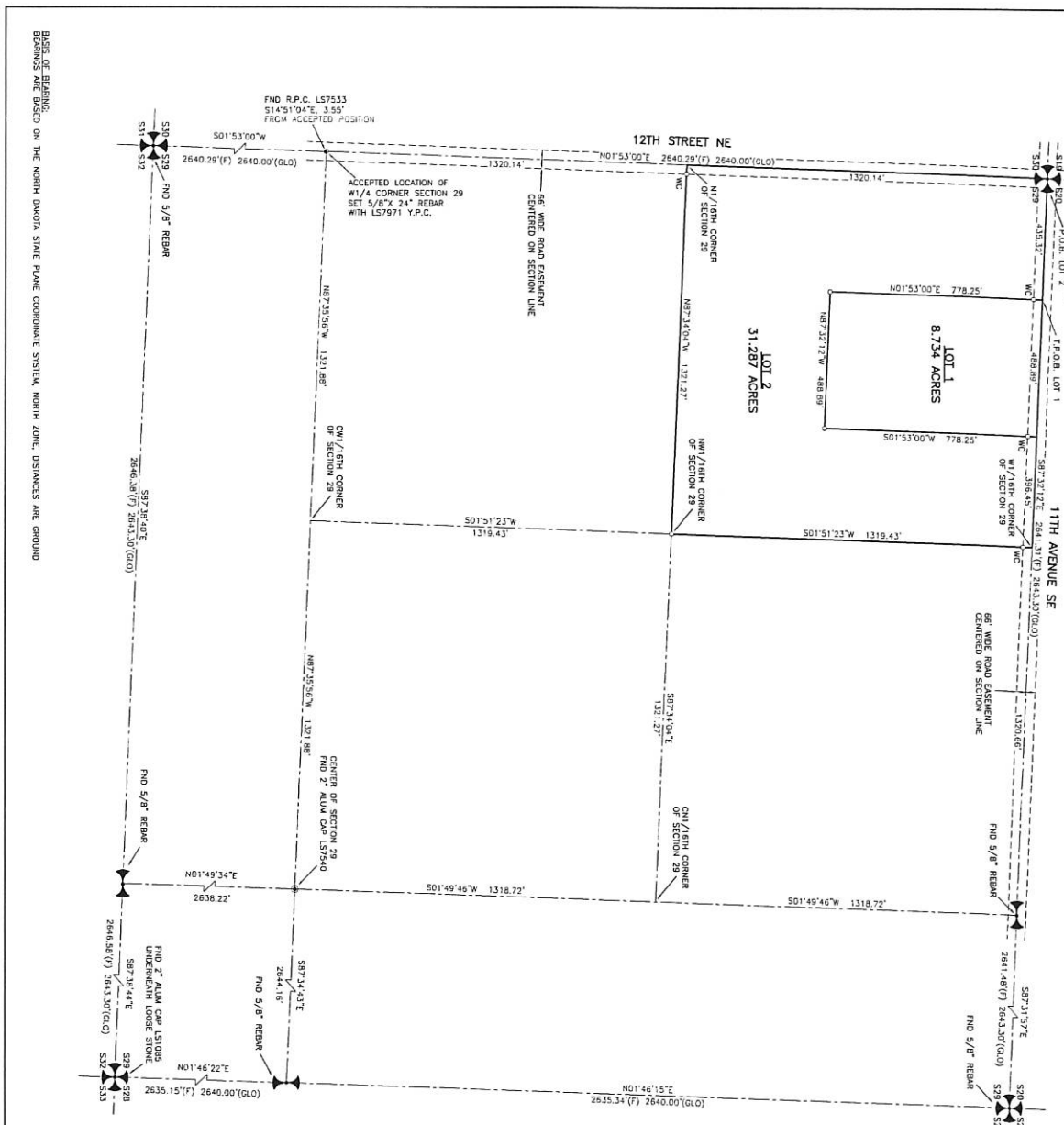
ADDRESS: 304 Lincoln Street - PO Box 870

CITY: Watford City STATE: ND ZIP: 58854

PHONE: 701-842-6619

FAX/Email: matt.beard@tdengineering.com

SIMPLE LOT SPLIT
A TRACT OF LAND BEING THE NW1/4NW1/4 OF SECTION 29, T150N, R98W,
5TH P.M., MCKENZIE COUNTY, NORTH DAKOTA



DESCRIPTION - LOT 1

A tract of land located in the NW1/4NW1/4 of Section 29, Township 150 North, Range 98 West, Fifth Principal Meridian, McKenzie County, North Dakota, and being more particularly described as follows: Beginning at the Northwest corner of said Section 29, thence South 87°21'12" East along the Northern line of said Section 29, a distance of 488.89 feet; thence South 01°53'00" West, a distance of 778.25 feet; thence North 87°21'12" West, a distance of 488.89 feet; thence South 01°53'00" East, a distance of 778.25 feet to the True Point of Beginning and containing 8.734 acres.

DESCRIPTION - LOT 2

A tract of land located in the NW1/4NW1/4 of Section 29, Township 150 North, Range 98 West, Fifth Principal Meridian, McKenzie County, North Dakota, and being more particularly described as follows: Beginning at the Northwest corner of said Section 29, thence South 87°21'12" East, a distance of 778.25 feet; thence South 01°53'00" West, a distance of 488.89 feet; thence North 87°21'12" East, a distance of 488.89 feet; thence South 01°53'00" West, a distance of 778.25 feet to the True Point of Beginning and containing 31.287 acres.

CERTIFICATE OF SURVEY

I, the undersigned, Daniel R. Kenzie, Registered Land Surveyor under the laws of the State of North Dakota, do hereby certify that this survey shown hereon was completed by me or under my direct supervision, that the corner and boundary lines shown hereon are true to the best of my knowledge and belief, and survey is true and correct.

Dated this 8th day of July, A.D., 2013

Daniel R. Kenzie
 Registered Land Surveyor
 North Dakota Reg. No. LS1971

LEGEND

--- TRACT BOUNDARY
 --- SECTION LINE
 --- FOUND MONUMENT
 --- FOUND SECTION CORNER
 --- FOUND QUARTER CORNER
 --- SET PROPERTY AND WITH L57971 P.C.
 --- FIELD MEASUREMENT
 --- G.L.O.
 --- WINNER CORNER

AREA OF ROAD EASEMENT IN LOT 1 = 0.270 ACRES
 REMAINDER AREA OF LOT 1 = 0.384 ACRES
 TOTAL AREA OF LOT 1 = 0.714 ACRES

AREA OF ROAD EASEMENT IN LOT 2 = 1.055 ACRES
 REMAINDER AREA OF LOT 2 = 29.802 ACRES
 TOTAL AREA OF LOT 2 = 31.287 ACRES

<p align="center">MCKENZIE COUNTY WATFORD CITY, NORTH DAKOTA</p> <p align="center">SIMPLE LOT SPLIT</p>		<p>tdandhengineering.com 505.281.1111 1500 W. 13TH ST. SUITE 200 WATFORD CITY, ND 58074</p>	<p>DATE: 6-11-13</p> <p>BY: [Signature]</p>	<p>REVISION</p>
<p>SHEET #11</p>			<p>REV</p>	<p>DATE</p>



Google earth

feet
meters



W12-164

WARRANTY DEED

THIS INDENTURE Made this 25 day of May, 2012, between GREGORY T. SIMONSON and MONICA A. SIMONSON, husband and wife, grantors, whether one or more, to 1/2 interest to BAYFRONT BUILDERS, INC. and 1/2 interest to JEFFREY D. HAUSMANN, grantee, whose post office address is 3341 Beyer Road, Duluth, MN 55804.

WITNESSETH for and in consideration of the sum of \$10.00 and more consideration, grantors do hereby GRANT to the grantee all of the following real property lying and being in the County of McKenzie, State of North Dakota, and described as follows, to-wit:

Township 150 North, Range 98 West of the 5th P.M.


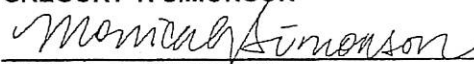
Section 18: A parcel of land lying in the NW 1/4 more particularly described as follows: Commencing at the Northwest corner of said Section 18, thence west along the north line of Section 18 on an assumed bearing of N90°00'00"E, a distance of 356.00 feet to a point, and which point is the true Point of Beginning; Thence N90°00'00"E and continuing along said north line a distance of 328.82 feet to a point; thence S00°28'34"W, a distance of 327.74 feet to a found 5/8" re-bar; thence S89°59'57"E, a distance of 125.56 feet to a point; thence N11°19'55"E, a distance of 50.41 feet to a point; thence N00°18'21"E, a distance of 178.88 feet to a point; thence N10°44'33"W, a distance of 50.31 feet to a point; thence N00°18'24"E, a distance of 50.00 feet to the north line of said Section 18; thence N90°00'00"E along said north line, a distance of 50.00 feet to a point; thence S00°18'24"W, a distance of 45.43 feet to a point; thence S10°44'33"E, a distance of 50.31 feet to a point; thence S00°18'21"W, a distance of 188.54 feet to a point; thence S11°19'55"W, a distance of 45.22 feet to a point; thence S89°59'57"E, a distance of 124.71 feet to a found 5/8" re-bar; thence S00°08'09"W, a distance of 2310.90 feet to a found 5/8" re-bar lying on the mid section line of said section 18; thence S89°59'55"W along said mid section line, a distance of 620.82 feet to a found 5/8" re-bar; thence N00°01'22"W, a distance of 2638.64 feet to the true Point of Beginning.

McKenzie County, North Dakota

New IT 332

And the said grantors for themselves, their heirs, executors and administrators, do covenant with the grantee that they are well seized in fee of the land and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid; that the same are free from encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and premises in the quiet and peaceable possession of said grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the said grantors will warrant and defend.

WITNESS the hand of the grantors:


GREGORY T. SIMONSON

MONICA A. SIMONSON

I certify that a report of full consideration paid for the property described in this deed has been filed with the North Dakota State Board of Equalization. Signed [Signature] Date 6-1-12 Grantee or Agent

Return to: 434651
MCKENZIE COUNTY GUARANTY & TITLE CO County Recorder
PO BOX 510 McKenzie County
Watford City ND 58854
WATFORD CITY ND 58854 Page 1 of 3
COUNTY RECORDER, MCKENZIE COUNTY, ND

I certify that this instrument was filed and recorded, 434651
Ann M Johnsrud, County Recorder Fee \$16.00

By Kate R. Paulsen, Deputy Jun 04, 2012 11:06 AM



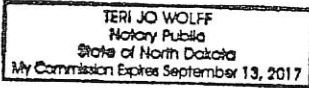
Delinquent Taxes and Special Assessments, or Installments of Special Assessments, paid and transfer entered this 1 day of June, 2012.
Linda Svchorec County Auditor
by Vonnie Johnson Deputy

30-16-1

State of North Dakota
County of McKenzie ss

On this 25 day of May, 2012, before me, personally appeared GREGORY T. SIMONSON, husband of MONICA A. SIMONSON, known to me to be the persons who are described in, and who executed the within and foregoing instrument, and severally acknowledge that they executed the same.

My Commission expires:

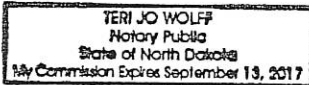


Teri Jo Wolff
Notary Public

State of North Dakota
County of ~~Watford~~ McKenzie ss

On this 25 day of May, 2012, before me, personally appeared MONICA A. SIMONSON, wife of GREGORY T. SIMONSON, known to me to be the persons who are described in, and who executed the within and foregoing instrument, and severally acknowledge that they executed the same.

My Commission expires:

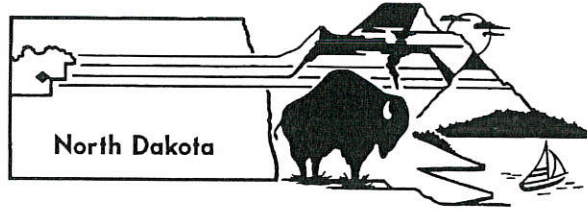


Teri Jo Wolff
Notary Public

County Recorder
McKenzie County
Watford City ND 58854

434651

Watford City



City of Watford City
Brent Sanford, Mayor
213 2nd St., NE
PO Box 494
Watford City, ND 58854
Ph. 701- 444- 2533
Fax 701- 444- 3004
www.mckenziecounty.net

November 20, 2013

STAFF REPORT

SLP-11-2013

SIMPLE LOT SPLIT

Applicant

McKenzie County
201 5th St NW Ste #543
Watford City, ND 58854

Property Owners

Sonia, Denise, & Lori Hegg

Mail Correspondence to Property Owner & Applicant

Property Address: 125th Ave & 11th Ave SE, 40 Acres (lot 1: 8.7acres & lot 2: 31.2 acres)
Parcel # 20-00-19500

Simple Lot Split Requested: LOG-DATA REFERENCE ONLY, Staff Reports not created for SLS
Reference:

Discussion: Applicant is requesting to split acreage to facilitate property sale to McKenzie County for County Shop.

Surrounding Land Use Inventory:

West: Zoning -	AG
Use -	Agriculture
South: Zoning -	AG
Use -	Agriculture
North: Zoning -	C1
Uses -	Commercial
East: Zoning -	AG
Uses -	Agriculture

Contact:

Mildred Williams
Assistant City Planner
701-444-2533
miwilliams@nd.gov

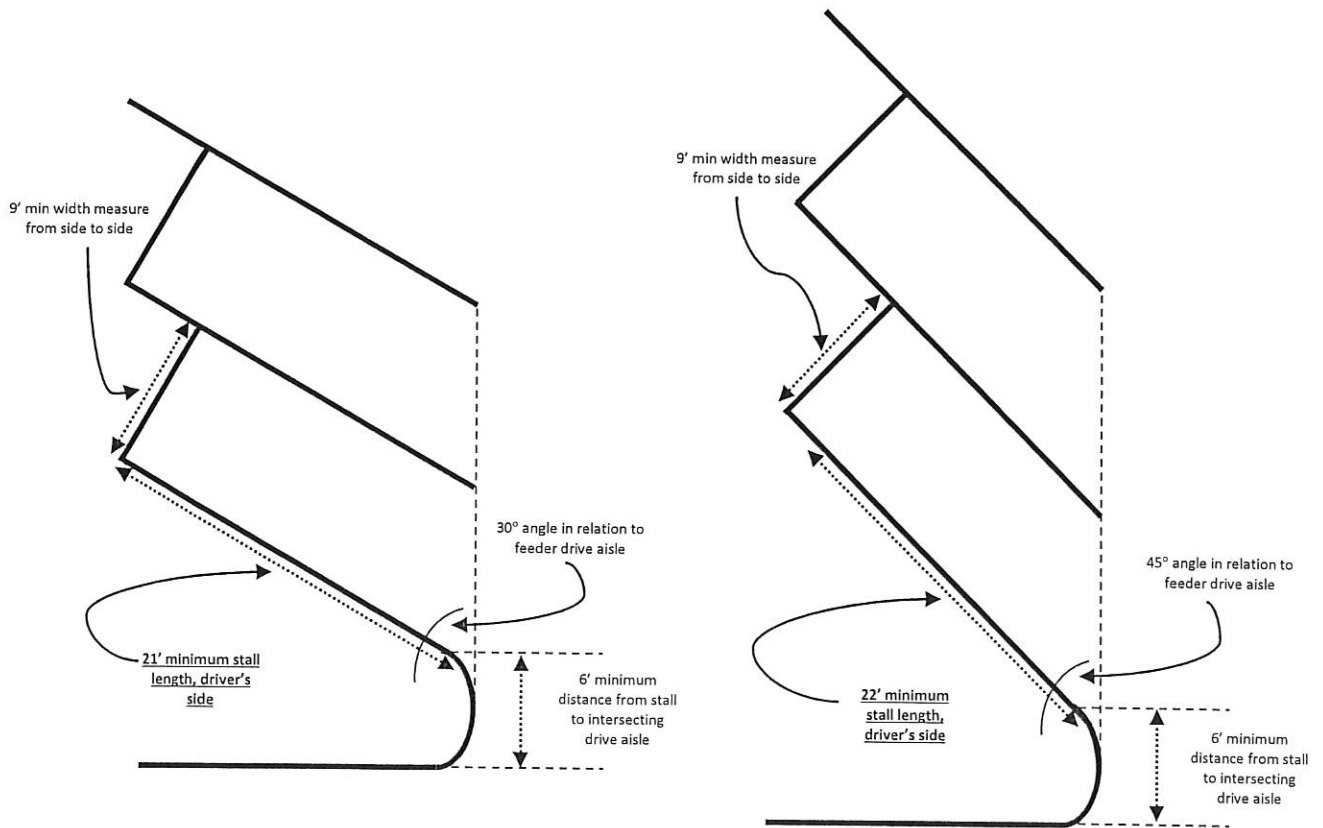
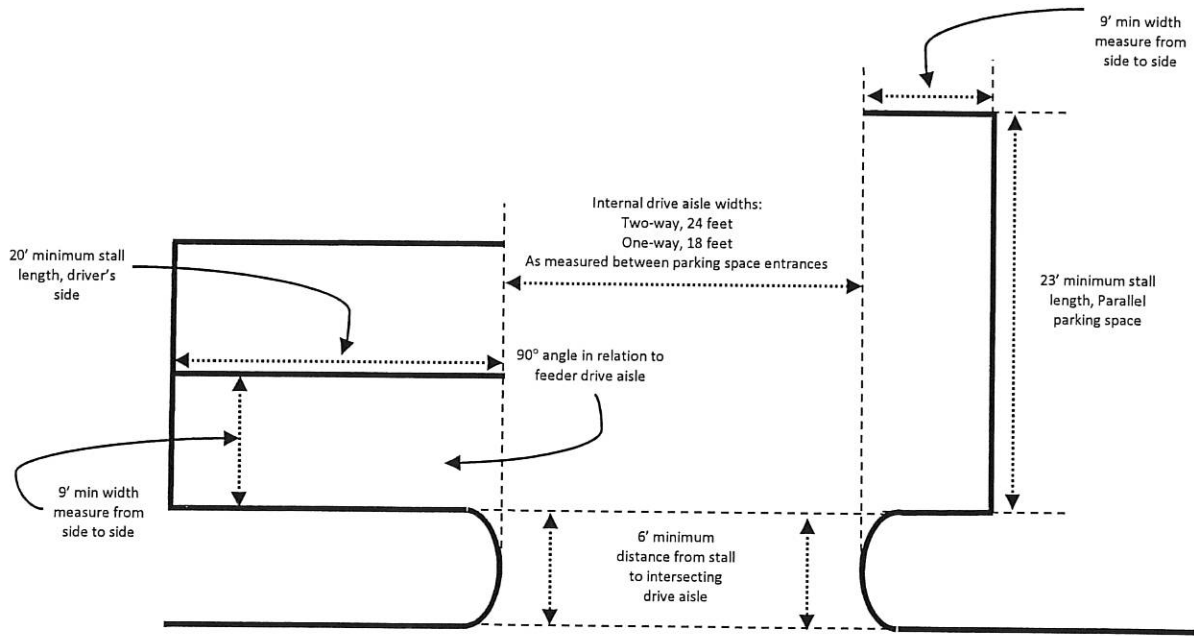
ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE XX OF CHAPTER XV OF THE CITY OF WATFORD CITY ORDINANCES RELATING TO PARKING AND LOADING REGULATIONS

- A. Purpose. The standards set forth in this Section are intended to encourage development that will ensure harmony with adjacent properties and existing/future uses, sufficient open space and complementary uses under conditions which assure mitigation of impacts such as drainage, traffic, noise, odor and light in the area in which certain land uses are located.

PARKING

- A. Required: Permanent off-street parking and loading facilities shall be provided for all buildings and uses, designed and maintained in accordance with the provisions of this Chapter. Said provision, design and maintenance shall be the responsibility of the owner of the property on which is located the use for which off-street parking is required.
- B. Scope: Any development permits for new construction, building additions, renovations or changes or expansions in land use shall not be approved if the changes result in a parking deficit.
- C. Location: Unless otherwise specified, all required off-street parking shall be located on the premises. With the exception of single-family detached residential development and single-family attached development up to four (4) residential units, off-street parking spaces shall be designed to prevent backing out from a parking space onto, or pulling into a parking space directly from a public or platted private roadway.
- D. Construction and Design Requirements:
1. Site Access: Unobstructed access to a public street right-of-way or platted private roadway shall be provided, utilizing a driveway or driveways intersecting the street or roadway at an angle of ninety degrees (90°).
 2. Internal Drive Aisles: Internal drive aisles shall be designed in accordance with the following specifications:
 - a. Two-way drive aisle – Twenty-four feet (24’);
 - b. One-way drive aisle – Eighteen feet (18’);
 - c. One-way drive aisle feeding 30° parking spaces – Fifteen feet (15’);
 - d. One-way drive aisle feeding 45° parking spaces – Twelve feet (12’);
 - e. Dead-end internal drive aisles up to 150 feet in length shall terminate with a stub-out containing a depth of at least four feet (4’). One-way dead-end internal drive aisles exceeding 150 feet in length shall be prohibited.
 3. Parking Space Geometry and Layout: Off-street parking spaces shall be allowed in either one of the following orientations: Parallel (0°), Acute-angled, head-in (30° and 45°) and Perpendicular,



d. Angled and parallel parking spaces shall not be allowed on dead-end internal drive aisles.

textured pavements, grade separations, or pavement markings as approved by the City of Watford City Public Works Department.

- b. Pedestrian walkways shall be provided along each building façade abutting a parking and circulation area. Loading zones or loading areas shall not be considered as parking or circulation areas. Smooth grade transitions or ramping between the walkway and the parking area shall be accommodated where necessary and practical.
- c. Pedestrian connections within the parking and circulation areas of an overall development or shopping center shall be provided between all buildings, facilities, elements and public spaces. Direct pedestrian connections shall also be provided from all existing or proposed street sidewalks to the primary customer entrance(s) of the nearest principal building(s) on a site and to all pad sites within a shopping center.
- d. Pedestrian walkways with primary building entrances shall contain natural vegetative shading or such architectural elements as, but not limited to, awnings, porte-cocheres, overhangs, canopies or similar treatments and projections.
- e. Natural vegetative shading that will ultimately provide adequate shade casting and pedestrian clearance shall be installed along all pedestrian connections.
- f. Landscaping or necessary site amenities shall not encroach into a pedestrian connection or walkway.

E. Conventional Parking Accommodations:

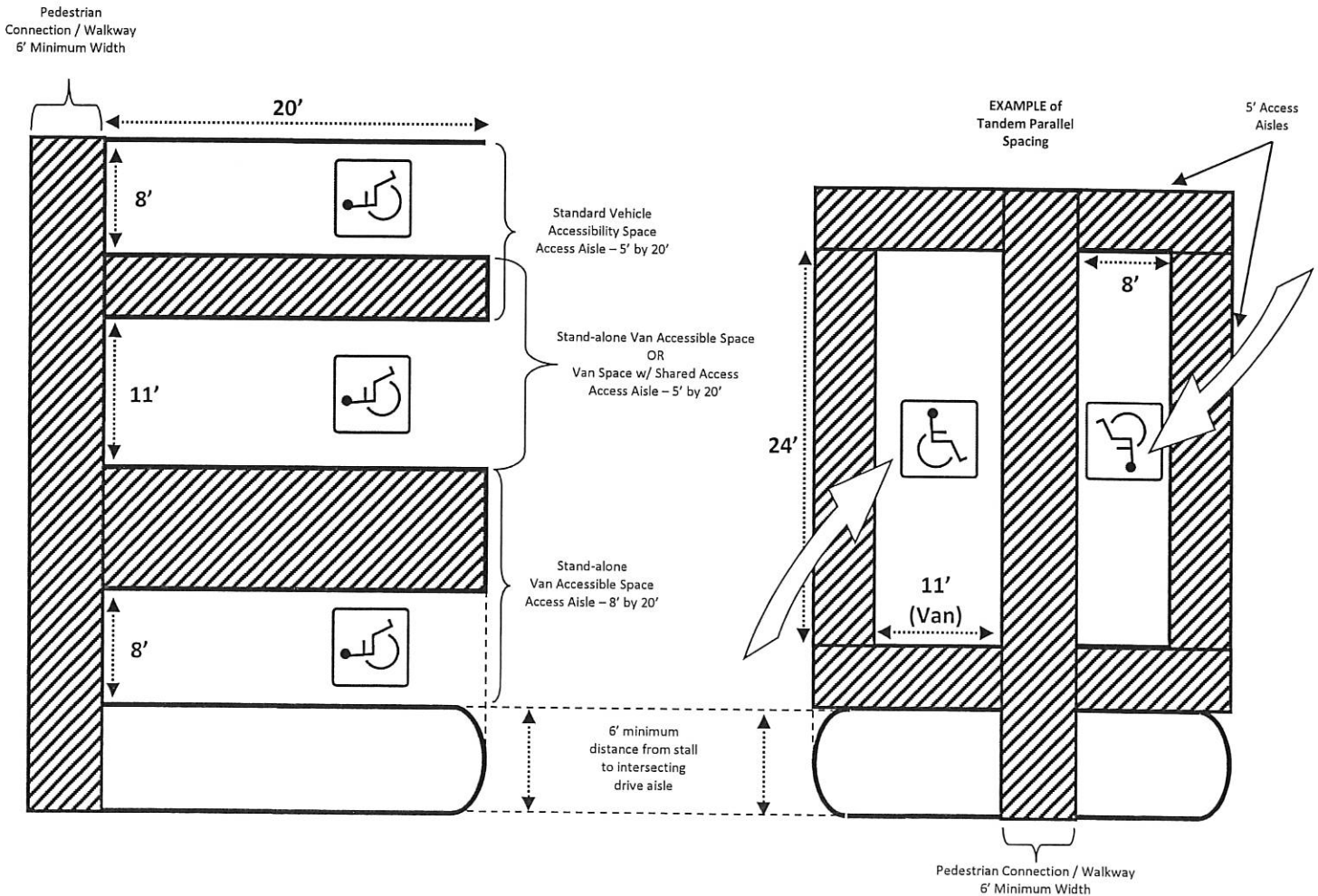
- 1. The total number of required permanent off-street parking spaces shall be the composite on-site total of individual requirements in accordance with the following table:

Laundromat, Self-Service	1:3 Machines
Mini-Warehouse, Self-Storage	5 Spaces minimum
Restaurant - Fast Food	1:100 SF GFA
Restaurant - Other	1:4 Seats
Retail w/ Outdoor Display (not automobile sales)	1:250 SF GFA, 1:2500 SF Outside Display Area
PLACES OF ASSEMBLY	
Convention Center, Exposition Hall	1:100 SF GFA
Place of Worship	1:5 Seats
Private Club	1:300 SF GFA
Social Hall, Banquet Hall	1:250 SF GFA
Stadium, Arena, Sports Field	1:5 Seats
Theater, Indoor or Outdoor	1:5 Seats
ENTERTAINMENT / RECREATIONAL USES	
Amusement, Indoor	1:250 SF GFA
Amusement, Outdoor	1:600 SF Gross Site Area
Bowling Alley	4:1 Lane, 1:250 SF GFA
Gaming Establishment	8:1000 SF GFA
Miniature Golf, Golf Course	3:1 Hole, 1:300 SF GFA Clubhouse (Golf Course) OR 1:250 SF GFA Indoor Area (Miniature Golf)
Night Club, Lounge, Bar, Tavern, Dance Club	1:4 Seats or 1:100 SF GFA
Stable, Horse Riding Facility	1:3 Stalls or Corrals, 1:250 SF GFA Public Area
Tennis Court	4:1 Court, 1:250 SF GFA Clubhouse
INSTITUTIONAL USES	
Facility - Congregate Care, Assisted Living, Independent Living, Intermediate Care	1:3 Beds, 1:500 SF GFA
Home - Nursing & Convalescent, Hospice, Rest, Skilled Nursing Facility	1:1 Bed, 1:500 SF GFA
Hospital, Sanitarium	1.5:1 Bed, 1:500 SF GFA
Public/Government Facilities	1:300 SF GFA
School, Primary	1:1 Faculty Member, 4:1 Classroom
School, Secondary	1:1 Faculty Member, 1:5 Students

3. Minimum widths for van-accessible spaces shall conform to either of the following:
 - a. Eleven feet (11'), with accompanying access aisle containing a minimum width of five feet (5'), or;
 - b. Eight feet (8'), with accompanying access aisle containing a minimum width of eight feet (8').
 - c. Access aisles may be either single-loaded or shared.
4. A minimum five-foot (5') separation shall be maintained between a parallel accessible parking space and an internal drive aisle.
5. A minimum five-foot (5') separation shall be maintained between two parallel accessible parking spaces along the same internal drive aisle.

Table 17.04.730 – 3

(Note: Figure not to scale; Accessibility Logo for Demonstration Purposes only)



6. A minimum of one (1) van-accessible space shall be provided. One (1) van-accessible space shall

H. Queue (Stacking) Lanes:

1. Location: Queue lanes shall be located in accordance with the following guidelines:
 - a. Queue lanes shall be designed and located to avoid potential vehicular spill over onto a public or private roadway or alley.
 - b. Queue lanes shall be located in a manner that will have minimal or no impact on site parking, internal circulation and site ingress and egress.
 - c. Building exits and pedestrian crosswalks shall be situated away from a queue lane entry or exit and away from reader boards, drive-thru windows, speaker boxes, or mechanical and automated devices associated with a queue lane.
 - d. Queue lanes and associated devices shall not be situated within fifty feet (50') of an abutting residential zone.
2. Design: Queue lanes shall be designed in accordance with the following guidelines:
 - a. Queue lanes shall facilitate a minimum stacking depth of 110 feet, as measured from an initial reader board, drive-thru window or mechanical/automated device, whichever is first.
 - b. Queue lanes shall be a minimum width of twelve feet (12').
 - c. Queue lane exits shall have a minimum forward peripheral sight distance of twenty feet (20').
 - d. A bypass lane adjacent to the outermost queue lane, or suitable alternative, shall be provided.
 - e. Queue lanes shall be clearly identified with striping, signage and landscaping as approved by the Watford City Public Works and Planning Departments.

I. Miscellaneous Parking Restrictions:

1. Permanent Residence: Vehicles such as, but not limited to, passenger coaches, buses, motor homes and travel trailers, are prohibited from use as a permanent residence in any zoning district.
2. On-street Parking: On-street parking of recreational vehicles including, but not limited to, motor homes, travel trailers, boats and all-terrain vehicles, is prohibited.

_____ moved the adoption of the foregoing Ordinance. The motion was seconded by _____. On roll call vote of the Council members, the following Council members voted "AYE": ____ and the following Council members voted "NAY": _____. Absent and not voting: _____.

WHEREUPON, the motion was passed and the Ordinance declared adopted this 4th day of November, 2013.

Mayor Brent Sanford
City of Watford City