

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON APRIL 15<sup>TH</sup>, 2019, AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.**

Vice-Chairman Gjovig called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

**MEMBERS PRESENT:** Gjovig, Long, Bauer, Hansen, Eynon, Christensen

**MEMBERS ABSENT:** Aafedt

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Bob Hanson and David Wicke, City Engineering; Jordon Evert, City Attorney; Kelly Soto, Planning & Zoning Administrative Assistant; John Sessions, Developer for Hawkeye Village LLC Call-in; Raymond Melendez, Developer for Landing Pointe Call-in

**DISPOSITION OF MINUTES:**

A. Approval of minutes of the March 18th, 2019, Planning Commission Meeting.

**MOTION BY CHRISTENSEN, SECOND BY HANSEN** to approve the March 18<sup>th</sup>, 2019 minutes, as presented. **CARRIED ON VOICE CALL.**

**COMMUNICATIONS:**

A. Planning Article of the Month

Laqua presented the Planning Article of the Month, stating it was a section specific to the Commissioners. We will try to provide the Commissioner packet that comes with the ND Planning Magazine each month. It is a national magazine, so it does not always have information that would pertain to us but sometimes it may, so we will try to provide it when we can.

**PUBLIC HEARING:**

A. Proposed Subdivision and Zone Change- rearrangement located in Section 1, 2, 11, 12, 13, and 14, T154N, R102W into the Williston Basin International Airport Subdivision and to consider a rezone of Williston Basin International Airport Subdivision to Airport Zoning District. -Williston Basin International Airport

Laqua presented the application to change the zoning of the new airport to Airport Zoning District which was established by Ordinance 1036 as well as to do a full subdivision of the property.

The property was established by the County as MS18-005. This further subdivision will simplify the easements and rights of way located within the airport boundary and create leaseable lots.

**ZONING:** The Airport Zoning District points a number of decision items to the Airport Zoning Board which is regulated by the Airport Development Standards document created by the

Airport and adopted by the City Commission. This zoning will allow for all of the airport uses and its auxiliary uses such as in-terminal restaurants, rental car areas, fire stations, etc.

PLAT: The plat is not in a completely final state. There are some minor lot line adjustments still occurring. The plat also includes several pages of a lease site exhibit. This exhibit will be recorded at the same time as the plat but is not part of the plat. The lease site exhibit creates 10 foot leaseable areas inside the larger lots, which will allow for construction of hangar sites. The 10-foot-wide areas give flexibility for those hangars.

The plat is a full subdivision because there are certain rights of way within the airport land as well as statutory right of way along some roads as well as other various easements that will be vacated through this process.

The plat has a number of additional lots which will be leased out in addition to the hangar sites, including spaces for the FAA, National Weather Service, cargo facilities, Board Protection facilities, and agricultural purposes.

This public hearing has been pre-advertised and will go to public hearing at City Commission on April 23. It requires an additional review by the Planning and Zoning Commission and City Commission for the final plat.

Vice Chairman Gjovig asked if anyone had questions or comments for Laqua or for the Airport Director, Anthony Dudas. There were none.

Vice Chairman Gjovig opened the floor for Public Hearing. He called for Public Hearing two times before Blane Jorgenson, an adjacent land owner, approached the Commission and asked if the Zone Change has any implications and if the City would not be able to exercise in the Extra Territorial Jurisdiction (ETJ) around the airport.

Jordon Evert, City Attorney, stated that was correct. He explained that the County and the City are in the process of entering into a Joint Powers agreement for the area, roughly a mile, around the Airport property. It will establish a joint board with County and City representatives to control development with the idea of applying the County's ordinances by their standards. To his knowledge, most of that area is proposed Agriculture. There would be entitlements that would be acquired and obtained from this Joint Board for someone to be able to develop in that buffer zone; it is called a "hazard zone" under the Joint Powers agreement. He expects the Joint Power agreement to be finalized and approved within the next month. He stated that copies can be provided at the City Attorney's office or from Anthony Dudas, the Airport director. Blane Jorgenson stated he was aware of the Joint Powers Agreement.

Vice Chairman Gjovig called a final time for Public Hearing. There were none, he closed the Public Hearing.

**MOTION BY EYNON, SECOND BY HANSEN**, to approve the preliminary plat and zone change to Airport District for the Williston Basin International Airport Subdivision, contingent on Completion and recordation requirements.

**AYES:** Long, Christensen, Hansen, Bauer, Eynon and Gjovig

**NAYS:** None.

**ABSENT/NOT VOTING:** Aafedt

**ABSTAINED:** None.

- B. Proposed Subdivision to rearrange Lots 1-10 of Block 2, Lots 1-10 of Block 3, and Lots 1-25 of Block 4 of the Hawkeye Subdivision, T154N, R101W into one large lot. - Hawkeye Village LLC**

Laqua presented the next application stating there is a proposed subdivision and Special Permitted Use for Hawkeye Village LLC so she will be presenting both at the same time. This application is for a re-platting of 10.2 acres which currently contains Blocks 2, 3 and 4 of the Hawkeye Subdivision, as well as 12<sup>th</sup> Street and Yellowstone Loop. This plat will remove all of these and create one large lot for the purpose of a school site.

This property was originally intended for townhouse development. Water and sewer is available to the proposed Phase 1 development. This property will require buildout of 38<sup>th</sup> Ave W. The school is understanding of that.

At Development Review there was discussion regarding access to the site, as District 8 is also potentially proposing a school site directly to the south. District 1 has been in contact with the City for months regarding this project, and the City is satisfied with the ability of the property to handle the traffic this school will create. The school intends to have access from Bison Drive, to minimize northbound turns from 32<sup>nd</sup> Avenue into the property. At DRC there was additional discussion regarding potential solutions to potential future access and drop off concerns. At this point the DRC is noting that this is an item that will be dealt with as concerns may arise. If there are concerns with future drop offs, at that point the City will look to see what solution makes the most sense for what actually occurs.

There are two stormwater lots (Lots 8 and 19 of Block 8) in this area which need to be re-arranged. A pond along 11<sup>th</sup> St is one option that has been discussed by the City Engineer and Developer. This item will need to be finalized prior to the final plat.

Laqua stated that the taxes are owing on the full Hawkeye Subdivision property. The plat has numerous redlines and has not been platted by a surveyor. These redlines will need to be fixed, and the property will need to be properly platted

#### **SPECIAL USE PERMIT**

A school in an R-2 zone requires a special use permit. As part of the review for a special use permit, the following items are required to be considered:

1. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.* The developer and school district will construct 38<sup>th</sup> Avenue. The school district plans to have drop-off utilize only Bison Drive and 38<sup>th</sup> Avenue.
2. *Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district.* This SPU requires no additional parking other than what is shown on the proposed site plan.

3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* This use will be required to work with Public Works to determine appropriate refuse and service areas.
4. *Utilities, with reference to locations, availability, and compatibility.* This use will be required to work with utilities to develop the property.
5. *Screening and buffering with reference to type, dimensions, and character.* This use will not require additional buffering or screening.
6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.* Any signs will be required to meet code for the City of Williston.
7. *Required yards and other open spaces.* No yards or open spaces are required by the zoning ordinance; the site plan shows a large portion of open space to be utilized with the Park District.
8. *General compatibility with adjacent properties and other property in the district.* The abutting properties are all zoned Residential or commercial. This would be a compatible use.
9. *Use shall not impose a hazard to health or property.* This SPU will not impose any hazards to health or property.

Laqua stated that John Sessions, the Developer, is on the phone. She explained that although the School Bond failed, the Developer asked that this item remain on the agenda to ensure this property was still available to use. Laqua concluded her presentation.

Vice Chairman Gjovig explained that after the Public Hearing for the proposed subdivision, he will close it and the Commissioners will vote on the motions. They will then address the Special Permitted Use related to this application. He opened the floor for Public Hearing for the proposed subdivision and asked for any questions or comments. After calling three times for public input and hearing none he closed the public hearing and called for discussion or motion from the Commission.

Commissioner Christensen said that although he is in favor of a much-needed school he is concerned with the walkability factor of this location. He stated that the Highschool has a walkability rating of 0 and does not want to make the same mistake with this school, as they will have the same rating. He explained that nothing can be built around this school and there is over a mile before there is a resident for District 1.

John Sessions spoke on this issue stating that north of Bison Drive, the north boundary of the school site, there is a proposal of 170 single family lots, 20 of which are attempted to be developed this year. The lot east of the school site, is designated for R-3: Low-rise Multifamily and Townhouse and designed for 250 residential units. On the master plan that the Planning and Zoning Commission and City Commission asked them to prepare when they first were private. Also, in the master plan, directly west of this property, will be about over 600 more R-1: Single Family Housing lots. Christensen said that was a possibility. John Sessions explained that although the specific details of sidewalks and bike paths have not been worked out yet, the

whole concept behind Hawkeye Village LLC is to allow people to do multiple things without having to get back into their car.

Vice Chairman Gjovig asked John Sessions if there has been any discussion of what they will do in light of the failed School Bond vote, such as choosing to move forward with construction or seeking private funding. John Sessions stated that the Chairman of the District 1 Board has asked them to continue with the plat to preserve the opportunity to build schools. Since it has been a short time since the failed School Bond vote he did not think they had a precise plan in mind as of now. Regarding whether the funding comes from a public or private source, they will revisit the private funding ideas that were explored in the earlier stages. The governing boards of District 1 and District 8 spent time together in Bismarck last Friday but he did not think they knew of what the next steps were. However, District 1 has asked him to keep moving forward with this plat.

Vice Chairman Gjovig made a comment that there was a concern raised at the Development Review Committee Meeting regarding walkability and the location. However, there may be a housing development next to it in the future. The School Board has worked very hard on this and have faced many challenges, personally he trusts their judgement. Since the School Bond failed, it may be an opportunity to look into alternative options. Commissioner Christensen stated that we will have the area of the old airport that would be a good location for this school site, for example.

Commission Eynon said District 8 has a proposed school site across the street from this proposed application. He asked Commissioner Christensen that as a County Representative, if he had concerns with traffic in this area for two schools. Commissioner Christensen stated he felt traffic would be a "nightmare" as traffic at 5:00 am is already extremely heavy and felt that it will only get worse if two schools were located there. Commissioner Eynon stated that a resident approached him expressing a concern for the traffic since it is already heavy.

Laqua addressed the traffic concern and stated that they discussed this at the Development Review Committee Meeting. The City was comfortable with having one school on the Hawkeye Village LLC site itself, with the traffic coming from District 1 but not necessarily for District 8. The discussion at the Development Review meeting was that if District 8 decided to move forward with a second school across the street from District 1, they would be required to have a traffic study completed, particularly on 11<sup>th</sup> street.

Commissioner Eynon stated he was confused because when he attended the three-hour meeting in Bismarck last Friday between the school boards, Deana Senior stated they never intended to put two schools back to back.

Vice Chair Gjovig asked the Commission if there were any other questions or concerns. Commissioner Bauer stated he would like to table this item until there is further discussion with the School District Boards.

**MOTION BY CHRISTENSEN, SECOND BY HANSEN, to table this item until there is more information from District 8 School. UNANIMOUS BY VOICE VOTE**

**COMMITTEE REPORTS:**

**A. NONE**

**UNFINISHED BUSINESS:**

A. NONE

**NEW BUSINESS:**

A. Proposed Special Permit Use, rearrange Lots 1-10 of Block 2, Lots 1-10 of Block 3, Lots 1-25 of Block 4, Hawkeye Village Subdivision, T154N, R101W for District 1 School Site. - Hawkeye Village LLC

**MOTION BY GJOVIG, SECOND BY HANSEN**, to table the item until there is more information from District 8 School. **UNANIMOUS BY VOICE VOTE**

John Sessions asked the Commission if he could ask a question before moving on. Commissioner Gjovig allowed it. John Sessions asked the Commission what they would like to see before bringing this item back to the agenda. Vice Chairman Gjovig stated that it will automatically be added to the next Planning & Zoning Commission agenda. Commissioner Eynon stated that a School Board representative should be present for that meeting. He also stated, he voices the same concerns as Commissioner Christensen regarding traffic and as of right now it is unclear what District 8 intentions are. Commissioner Bauer stated we should gather more input from both School Districts as it is too soon after the failed school bond to make a decision. Sessions stated that if there will be two schools next to each other, traffic would have to be studied thoroughly. Two schools next to each other was not a possibility in the early stages of this development.

B. Review of Final Plat, N1/2SW/4 & S1/2NW1/4, Sec. 1, T154N, R101W- Landing Pointe Subdivision

This application is for a Final Plat for a plat which was heard at the preliminary plat stage in August and September of 2018. The preliminary plat was a plat of 85 acres. At that time, Blocks 2 and 3 were to remain in Agricultural zoning, and were to be part of a secondary phase. Block 1 requested a zone change from A: Agricultural and M-1: Light Industrial to C-2: General Commercial. This zone change area comprised 15.04 acres. Block 1 is considered to be Phase 1; Blocks 2 and 3 were to be part of a future re-platting phased process.

The final plat is slightly different. It incorporates a large agriculturally zoned lot on the east side of the subdivision which accesses both University Avenue and a short piece of 45<sup>th</sup> St E. The lot is intended to house a new District 1 elementary school.

This property was part of a previous platting effort that was never completed.

The preliminary plat factsheet thoroughly reviewed the concerns of planning with the future build out of 45<sup>th</sup> Street. The school would fit in the future land use plan for this area as well.

Water and sewer is available to the phase 1 development and the school development.

Access to Phase 1 and all Development Agreement requirements were laid out in the preliminary factsheet. These items have not changed; the DA was to state that the only potential development in Phase 2 without further planning and studies was to build a school site which accesses off of University and a small part of 45<sup>th</sup>. This is what is shown in this plan.

The NDDOT has reviewed and is fine with the current configuration of the plat but any further development will require a traffic analysis and a plan for intersection improvements.

There are some final plat redlines.

At DRC, City Planning noted that two neighbors had contacted the department recently, at Lot 3 ex W10' and Lot 4 ex W 10', Block 1 of the Wright Subdivision, and at an unplatted 200' x 236' parcel in the NWSW of Sec 1, and at Outlot 1 of Section 1, T154N R101W. Both neighbors were concerned about buffering between the new development and their property. The developer has agreed to a buffer of landscaping and potentially fencing between the properties and their property.

Questions at the DRC also came up regarding the floodplain in the area, which needs to be shown on the final plat, and since the DRC meeting, the developer is working with Engineering on stormwater detention on the school site.

1. Standard Development Agreement including:
  - a. Waiver of protest for future improvements of 45<sup>th</sup> St and North frontage road bulb out
  - b. Deed restriction restricting development of Phase 2 beyond as noted above without platting and traffic study
  - c. Deed restriction regarding intensity of use of Phase 1/Block 1 as noted above

Laqua stated their developer, Raymond Melendez was also on the phone if they had any questions or concerns for him and she concluded her presentation. Commissioner Eynon asked Vice Chairman Gjovig for a point of order. Commissioner Eynon wanted clarification if these tabled items will be on the May 20<sup>th</sup>, 2019 Planning & Zoning Commission agenda. Gjovig stated yes, that was his understanding.

Vice Chairman Gjovig asked the Commission if there were any questions or concerns; there were none.

**MOTION BY LONG, SECOND BY HANSEN**, to approve the Final Plat for Landing Point Subdivision, platting 85 acres, including the changes which added the future school site, contingent on completion and recordation requirements as listed above.

**AYES:** Hansen, Bauer, Eynon, Long, Christensen and Gjovig

**NAYS:** None

**ABSENT/NOT VOTING:** Aafedt

**ABSTAINED:** None.

**DATE OF NEXT REGULAR MEETING:** Monday, May 20<sup>th</sup>, 2019.

MEETING ADJOURNED.

  
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Kent Jarcik, Williston Planning Director