

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON August 20, 2018, AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

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

MEMBERS PRESENT: Eynon, Giovig, Bauer, Long, Hansen

MEMBERS ABSENT: Christensen, Aafedt

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Mark Schneider, Development Services Director; Bob Hanson, City Engineer; Jordon Evert, Assistant City Attorney; Christine Edwards, P&Z Office Manager.

COMMUNICATIONS:

A. Approval of minutes of the June 18, 2018, Planning Commission Meeting.

MOTION BY GJIOVIG, SECOND BY LONG to approve the June 18, 2018, minutes as presented.
CARRIED ON VOICE CALL

PUBLIC HEARINGS:

A. Short Plat for National Guard Subdivision, a rearrangement of Lot 1, Block 4, and Zone Change from A: Agriculture to R-1: Single-family residential for 7.84 acres, and A: Agriculture to R-3: Low-rise multi-family residential for 1.72 acres – Hagan Family Partnership

Vice-Chairman Hansen introduced this item (as above) and asked Laqua to present. Laqua stated this application is for a short plat to rearrange Lot 1, Block 4, of the National Guard Subdivision, and to change the zoning on 7.82 acres along 44th Ave W to R-1: Single Family Residential, and to change the zoning on an additional 1.81 acres along 44th Ave W to R-3: Multifamily and Townhouse Residential.

The R-1: Single Family Residential comprises Lots 2-25. The R-3: Multifamily and Townhouse Residential Lot is Lot 26. This numbering is based on the preliminary plat and could change. Laqua added that this property was subdivided as part of the National Guard plat, in 2015.

This area is shown on the land use plan for low density residential. While R-3: Multifamily and Townhouse Residential is not generally considered low density residential, the developer plans to put an 11 unit condominium development on Lot 26. The developer will sign a deed restriction on the lot, restricting the site to 11 units.

Laqua said that all lots take access off of 44th Ave W. 44th Ave W was developed with intent for single family homes to front along it, and there are water and sewer stubouts into each of the proposed lots from 44th Ave W.

There is a 40' easement between Lots 18 and 19, which will provide space for a culvert for drainage. All garages will have at least a 25 foot setback from the property line.

Laqua explained that while this plat is dedicating rights of way which will provide westward access from 44th Ave, these will not be built at this time.

This plat is phase one of a larger development. The potential phase 2 build out is shown on the preliminary plat. Phase 2 will be platted and zoned separately, through the full plat and zone change process, as Phase 2 will require build out of rights of way. Phase 2 will require additional drainage plans as well.

The plat dedicates an additional 22 feet of right of way along the west side of 44th Ave, which accommodates the frontage roads. Laqua stated that the plat will need to dedicate an additional 5 feet of right of way along the north side of 26th St, in order to provide a total of 60 feet of right of way on the north side of 26th Street.

Based on the new subdivision regulations, this short plat and zone change will be heard at public hearing before the City Commission.

No public comment was made.

MOTION BY GIOVIC, SECOND BY Eynon to recommend to the City Commission to approve the Short Plat for National Guard Subdivision, a rearrangement of Lot 1, Block 4, and Zone Change from A: Agriculture to R-1: Single-family residential for 7.84 acres, and A: Agriculture to R-3: Low-rise multi-family residential for 1.72 acres **AYES:** Eynon, Gjovig, Long, Bauer Hansen **NAYS:** NONE **ABSENT/NOT VOTING:** Christensen, Aafedt **ABSTAINED:** NONE.

B. Plat and Zone Change to be Landing Pointe Subdivision, platting 85 acres and zone change from A: Agriculture and M-1: Light Industrial to C-2: General Commercial for 15.04 Acres – Ventana Design & Development

Vice-Chairman Hansen introduced item B as above and asked Laqua to present. Laqua stated that this application this application is for a plat of 85 acres. Blocks 2 and 3 will remain in Agricultural zoning, and will be part of a secondary phase. Block 1 is also requesting a zone change from A: Agricultural and M-1: Light Industrial to C-2: General Commercial. This zone change area comprises 15.04 acres. Block 1 is considered to be Phase 1; Blocks 2 and 3 will be part of a future re-platting phased process.

Laqua explained this property was part of a previous platting effort that was never completed. This area is shown on the land use plan for medium and low density residential with commercial frontage. The current zone change would match the comprehensive plan.

The transportation and comprehensive plan did a corridor study which included this area. That plan shows a signalized connection at either 45th St or 49th Street. 45th has been the area of focus due to the potential for connection from 16th Ave W all the way east past University and past the Northgate Apartment units to 13th Ave E/White Bridge Road. Additional access in this area via a signalized intersection would facilitate a denser commercial build out of the surrounding areas, which is indicated in the comprehensive plan.

Water and sewer is available to the proposed Phase 1 development.

Laqua said this property is accessed currently via the frontage road along Hwy 2 on the west, and University Ave on the east. One reason that the previous development proposal was not completed was that the current intersection at 45th St and Hwy 2 cannot support full build-out of the full 85 acre property, as was previously proposed.

The transportation and comprehensive plan, as noted above, indicates that 45th Street is an area of focus for future east-west connectivity of the city, and a signalized intersection would support the future commercial build out of the area.

Currently, 45th Street is not fully dedicated on the south side – the Champs/Horseshoe Bar property incorporates the future south side of 45th Street.

In this case, the developer is requesting to develop 15 acres for a car lot, which should be able to be supported off the current available access. We will include language in the Development Agreement with the final plat that restricts the intensity of use of the property, allowing only the proposed car lot to access from the western side of the development.

In total, this plat needs to accommodate future access to the highway from 45th Street once the full property builds out, which includes a bulb out of the frontage road.

Laqua said that accommodations for a future frontage road bulb out are shown on the plat. However, this only provides for a bulbout on the north side of 45th St. With the future platting of the remainder of this property, a traffic study will need to be done taking into consideration the full build out of the property. The developer would like to examine the possibility of moving the main highway intersection to 49th St at that time. If that is not a possibility, the 45th and Highway 2 intersection will need to be fully built out, which will include full dedication of the south side of 45th street and a southern frontage road bulb out, and which also may include a traffic signal, as per the transportation and comprehensive plan.

In addition, the DA will need to include language that the only potential for building within Phase 2 at this time is to build a school which accesses only off of University Ave, or off a small portion of 45th St which could be built on the east side of the property, and which would not connect to the west side of the site. Any further development of Phase 2 will require re-platting Block 2, and will require a full development plan and traffic study.

We also will include the requirement for a non-protest of future street improvements for both 45th St and the frontage road bulbout, in the case that the City determines it necessary to build 45th St prior to the developer moving on to Phase 2. This would allow that the developer would still be participating in road costs, even though they are not building these improvements at this time, because the improvements are not necessary this time. Prior to final plat, the NDDOT will need to review the access plan.

This plat is phase one of a larger development. Laqua stated that the plat is will go through the full plat process. It requires a public hearing and review for the zone change and preliminary plat at the City Commission. It will require final plat review by Planning and Zoning Commission and by the City Commission.

The plat has numerous redlines, and has not been surveyed by a surveyor. These redlines will need to be fixed, and the property will need to be surveyed.

Laqua said there are several easements which will need to be shown on the plat. Recordation requirements are:

1. Plat redlines must be addressed.
2. Standard Development Agreement including:
 - a. Waiver of protest for future improvements of 45th 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
3. Completion of Commission meetings as listed above

Raymond Melendez, representing the applicant, said that they were agreeable to all staff comments. There were no other public comments.

MOTION BY HANSEN, SECOND BY LONG, to recommend approval of platting 85 acres, to be known as Landing Pointe Subdivision, and zone change from A: Agriculture and M-1: Light Industrial to C-2: General Commercial for 15.04 Acres **AYES:** Eynon, Bauer, Long, Gjovig, Hansen. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

C. Ordinance 1079, amending allowable lot coverage by buildings in the R-1: Single Family Residential District – Staff

Vice-Chairman Hansen introduced item C (as above) and asked Miller to present. Miller stated the City of Williston, to increase the Maximum Lot Coverage by Buildings for properties zoned R-1: Single Family Residential from 32% to 35%.

This is a City initiated ordinance due to issues with building permit applications for accessory structures being denied. There have been numerous applications where permits have been denied because an accessory structure is over the allowed 32% lot coverage.

Miller said that this maximum lot coverage by building increase will also make the R-1: Single Family Residential Zoning District similar to other larger cities around Williston. The City of Williston's 2015 Unified Development Code Draft (UDC) also shows the maximum lot coverage by buildings as 35%, for R-1: Single Family Residential.

No Public Comment.

MOTION BY LONG, SECOND BY GJIOVIG, to recommend approval of Ord. 1079, amending allowable lot coverage by buildings in the R-1: Single Family Residential zoning district from 32% to 35%. **AYES:** Eynon, Gjovig, Bauer, Long, Hansen. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

D. Ordinance 1089, amending the size of required sight triangle - Staff

Vice-Chairman Hansen introduced item D (as above) and asked Miller to present. Miller said This ordinance is amending Section 25.A [Fences, Hedges, and Visibility at the Intersection of streets] of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston, to change the measurements and description of the Visibility Triangle.

This ordinance will establish consistency between our updated Sign Ordinance, Ordinance 1062, and the Zoning Ordinance. Currently, these two ordinances have different descriptions and measurements for the Visibility Triangle and has caused some confusion as to when which Visibility Triangle applies to different circumstances. Establishing this consistency will alleviate any future confusion.

No Public Comment.

MOTION BY GJIOVIG, SECOND BY BAUER, to recommend approval of Ord. 1089 amending the size of required sight triangle. **AYES:** Eynon, Bauer, Gjovig, Long, Hansen. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

E. Ordinance 1090, amending the required front and rear yard garage setback - Staff

Vice-Chairman Hansen introduced item E (as above) and asked Miller to present. Miller explained this ordinance is amending Section 11.h, Section 12.H, Section 13.H, and Section 16.H, of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston, to increase the front yard requirements to 25 feet for the construction of garages on new residential development and amending Section 25.B, changing the setback for a garage enter at a right angle from an alley to 25 feet.

It has been observed that the current 20 foot front yard setback requirement for garages is simply too small. As vehicles become larger, there have been issues with vehicles being parked in front of garages and covering portions of the sidewalks. This additional 5 foot setback will help address this issue.

Miller said that in regard to the front of a residence, this setback will only apply to garages. Front doors and fronts of houses may still be built at a 20 foot setback.

In alleys, this setback requirement has already been changed in the Subdivision Ordinance; this will make the zoning ordinance and subdivision ordinance consistent.

In addition, new residential subdivisions already follow these regulations, which were established through development agreements. This ordinance standardizes these regulations for any new construction.

No Public Comment.

MOTION BY BAUER, SECOND BY LONG, to recommend approval of Ordinance 1090, amending the required front and rear yard garage setback. **AYES:** Eynon, Gjovig, Hansen, Long, Bauer. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

A. Special Use Permit for an extension of SPU request for oil well pad, Jerold West, in NENW, Section 25, T155N, R101W

Vice-Chairman Hansen introduced this item of New Business (as above) and asked Laqua to present. Laqua explained that these next two applications are for an extension of a special use permits that were originally granted in 2015. Special use permits with no action within 3 years expire. Equinor (formerly Statoil) has not moved forward with the project since 2015, and is coming up on the 3 year deadline.

Equinor does still intend to build this road, and has requested an extension of the special use permit.

It should be noted that the 2015 special use permits were not recorded, and that these special use permits, if granted, will not be recorded until the City and Equinor have signed a road maintenance agreement. That agreement has been finalized, and is ready to be signed when Equinor is ready to move forward with this project.

The previous applications involved expansion of two existing pads; this will no longer be occurring. The expansion to a total of 5 wells on Jarold West and Jarold East will occur entirely within the existing pad sites. A complete teardown of the existing facilities will occur, and then will be re-built.

Because the sites are currently existing, will not be expanding the pads, border industrial uses, and have numerous pipelines surrounding the sites, there are no buffering requirements.

Commissioner Eynon asked if the road maintenance agreement include a right turn lane to those sites. City Attorney Evert said that the road maintenance agreement dealt with payment options for maintenance and did not go into road layout. Eynon stated that he noticed temporary traffic lights at 84th and Hwy 2 and asked if they were going to be permanent. City Engineer Hanson said that the highway project will include a light and a right hand turn lane at that section. Hanson said he feels that the cost of putting in dedicated right hand turn lanes to the well pads would be wasted as the heavy traffic for oil well drilling is in the first several weeks and not over the life of the wells.

Jerry Greb stood from the audience stating he represented about 30 home owners to the east of the proposed well sites and complained about the smell, flares and other issues from other wells around and said that they would prefer all well activity to occur on the west pad to give the residents on the east a break. Josh Skluzacek with Equinor took the podium and stated that they are putting a lot of money into tearing down the facilities on the east pad and rebuilding on the west, other than the well operation, everything else will occur on the west pad. Equinor will

partner with Oneok to pipeline their oil so flaring at the sites will be minimal. Flares will happen when Oneok is backed up or under maintenance. Skluzacek also explained that the will be using a new flare system to burn cleaner that will put off less light.

MOTION BY LONG, SECOND BY BAUER, to approve the Special Permitted Use extension request for oil wells to be drilled on an existing well pad in the NENW, Section 25, T155N, R101W. **AYES:** Gjovig, Bauer, Long, Hansen. **NAYS:** Eynon **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None. (approved, 4-1)

B. Special Use Permit for an extension of SPU request for oil well pad, Jerold East, in NENE, Section 25, T155N, R101W

Presented with Jerold West (above)

MOTION BY LONG, SECOND BY BAUER, to approve the Special Permitted Use extension request for oil wells to be drilled on an existing well pad in the NENE, Section 25, T155N, R101W. **AYES:** Gjovig, Bauer, Long, Hansen. **NAYS:** Eynon **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None. (approved, 4-1)

COMMITTEE REPORT:

A. NONE

DATE OF NEXT REGULAR MEETING: Monday, September 17, 2018.

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director