

***SPECIAL MEETING* OF THE PLANNING AND ZONING COMMISSION WAS HELD ON November 5, 2018, AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.**

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

MEMBERS PRESENT: Eynon, Bauer (via phone), Hansen, Aafedt

MEMBERS ABSENT: Long, Gjovig, Christensen

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

COMMUNICATIONS:

NONE

PUBLIC HEARINGS:

NONE

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

- A. Special Permitted Use request for a contractor storage yard in a C-2: General Commercial zoning district, 2109 2nd Ave W – FCI Constructors, Inc.**

Chairman Aafedt introduced this item of New Business (as above) and asked Laqua to present. Laqua explained the applicant has requested this non-enumerated SPU for an outdoor storage yard in C-2: General Commercial in order to operate their construction management company out of the current building. The applicant intends to use the property for a commercial construction office with shop space and an outdoor storage yard.

Laqua explained that this property has been zoned C-2: General Commercial since at least 1983. This is most likely due to a desire at that time to transition the 2nd Ave W corridor area between 18th Street and 26th Street to a commercial area. The properties just to the west of this corridor are zoned M-1: Light Industrial. Many of the buildings along the west side of 2nd Ave W are also still used for Light Industrial uses which are considered non-conforming but have been in existence since the 1980's.

The properties and buildings along the corridor for the most part reflect this history of light industrial uses. There are a number of shops with outdoor storage areas. Several buildings and properties have transitioned as most likely intended, to commercial uses.

When the development review committee met on this subject on October 16, 2018, they noted that re-use of existing buildings and properties as they are currently developed can be difficult without allowing uses such as the applied for SPU.

The development review committee noted that they felt the application required an SPU which was based on the location and history of the applying property; outdoor storage yards would still not be considered an allowable use in C-2: General Commercial areas outside of this corridor between 18th St W and 26th St W along the west side of 2nd Ave W.

Laqua said that to accommodate the SPU and ensure compatibility with the transitioned commercial properties along the corridor, the applicant will fence the storage yard, using a vinyl slatted chain link fencing on the south, west, and north sides of lot, and a solid screening material, most likely a strong composite fencing material, on the east side of the lot. All screening materials must be approved by Development Services.

They have stated that they will maintain a clean and organized yard inside the screened area.

They will need to stripe their existing parking.

SPECIAL USE PERMIT CONSIDERATIONS

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

1. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.* The primary access route will come from existing access onto 2nd Ave W.
2. *Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district.* Parking exists on the property but will need to be striped.
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* This use will not affect the current refuse and service areas.
4. *Utilities, with reference to locations, availability, and compatibility.* This site will utilize existing utilities
5. *Screening and buffering with reference to type, dimensions, and character.* the applicant will fence the storage yard, using a vinyl slatted chain link fencing on the south, west, and north sides of lot, and a solid screening material, most likely a strong composite fencing material, on the east side of the lot. There is no room on the property for additional landscaping. All screening materials must be approved by Development Services.

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.* Signs will need to be in compliance with Ordinance 1062.
7. *Required yards and other open spaces.* No yards or open spaces are required by the zoning ordinance.
8. *General compatibility with adjacent properties and other property in the district.* The properties along the west side of 2nd Ave W between 18th St W and 26th St W are all in a transition area that has existed since the 1980s. These properties are all in a state of either non-conformity or transition. A screened storage yard is compatible with this specific corridor.
9. *Use shall not impose a hazard to health or property.* This SPU will not impose any hazards to health or property.

Laqua concluded her presentation. Aafedt asked if there were any questions from the Commission. Commissioner Hansen asked if there would be storage of anything hazardous; FCI's representative stated there would not be.

Commissioner Eynon said he had noticed cones on the sough property line. Jill Christensen (representing parents who are selling the property to FCI) said that they were put there to keep traffic from going between their building and Cole Electric. FCI responded that they hadn't look at it yet.

Commissioner Bauer stated that he believed that the commission should let FCI and Cole Electric work out that situation among themselves. Eynon Agreed.

Commissioner Bauer further said that we are essentially looking at the use of connex containers and noted that there is a container behind KFC and Simonson's. He said that they are already in other areas of town, so it makes sense to allow this SPU. FCI is a good company and will keep things in good shape and keep the yard clean. Aafedt added that the storage yard would all be fenced.

MOTION BY EYNON, SECOND BY BAUER, to approve the Special Permitted Use for a contractor storage yard in a C-2: General Commercial zoning district, 2109 2nd Ave W. **AYES:** Bauer, Eynon, Hansen, Aafedt. **NAYS:** None. **ABSENT/NOT VOTING:** Christensen, Long, Gjovig. **ABSTAINED:** None

COMMITTEE REPORT:

A. NONE

DATE OF NEXT REGULAR MEETING: Monday, November 19, 2018.

MEETING ADJOURNED.

Kent Jarcik, Williston Planning Director

APPENDIX TO THE November 5, 2018, PLANNING & ZONING COMMISSION SPECIAL MEETING

- A. Special Permitted Use request for a contractor storage yard in a C-2: General Commercial zoning district, 2109 2nd Ave W – FCI Constructors, Inc.