

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON JULY 17, 2017 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, Christensen, Aafedt

**MEMBERS ABSENT:** Hansen, Long, Maristuen

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Jeremy Miller, Staff Planner; Bob Hanson, City Engineer.

**PUBLIC HEARINGS:**

**A. NONE**

**UNFINISHED BUSINESS:**

**A. NONE**

**NEW BUSINESS:**

**A. Special Permitted Use and Parking Reduction request for a gym/health club in an M-1: Light Industrial zone located at 301 26<sup>th</sup> St. West – Mitch Hughes/Full Circle Strength Systems**

Chairman Aafedt introduced the first unfinished business item (as above) and asked Ching to present. Ching explained that the applicant, Mitch Hughes (Full Circle Strength Systems), requests a special permitted use (SPU) to operate a health club in M-1: Light Industrial and a modification to reduce the total number of required parking spaces for a health club in Lot 22 less W 147.65' & Lot 23 less W 147' & part of Lot 24 less E 7.5' to alley, Block 1 of Airport 1<sup>st</sup> Addition.

The applicant has applied for a building permit for a general office interior remodel and a building permit has been issued. Generally in order for the applicant to receive their building permit for a use that requires a Special Use Permit the SPU will need to be applied for and granted by the Planning and Zoning Commission. Ching stated however that because this building permit was for a general office interior remodel and not specifically for a gym, the building permit was issued.

At the June 29, 2017, ad hoc meeting, it was discussed that the requirements of the SPU would require all of the required parking spaces to be paved and striped. Additionally, the drive aisle and parking area will need to be paved with hot-mix asphalt or concrete. This is a standard requirement for any new building, or any building adding the need for more than 6 parking spaces. Ching said that the lot is currently paved to the north of the building while there is gravel on the east and south of the building. Planning staff requested the applicant provide a pavement

plan to show where they are proposing to pave the drive aisle and parking area. In addition, planning staff recommended the applicant have perpendicular parking on the south side. This parking plan has been updated since the ad hoc meeting and can be found in your packet.

The proposed SPU appears to be compatible in this area as the properties to the east are zoned C-2: General Commercial. Commercial recreation use is a permitted use in C-2: General Commercial and C-3: Restricted Commercial.

Ching explained that currently the code parking ratio for a health club is 1 space per 100 square feet plus employee on the largest shift. With the existing parking ratio for a health club, the applicant would have to provide 77 parking spaces since the building is 7,200 square feet and there will be 5 employees on the largest shift.

The applicant is requesting 36 parking spaces as shown on the site plan. The applicant also provided their hours of operation and the usage patterns at their existing health club at another location in town. The applicant will be relocating their business to this proposed location. Based on the usage patterns at their current health club, they would need at least 35 parking spaces (25 to 30 customers plus 5 coaches) based on the hours of operation during peak hours during the morning from 5am to 8 am and during the afternoon from 5pm to 8pm. The majority of the customers will occupy the facility for 45 to 60 minutes per session.

In the past the Planning and Zoning Commission has reduced the parking ratio for a health club due to how large the ratio number is and the fact that the ratio does not appear to be consistent with other zoning codes.

The 36 parking spaces that the applicant is requesting would be the same parking ratio for the parking reduction for Anytime Fitness that was approved by the Planning and Zoning Commission in October of 2015. Anytime Fitness requested a parking ratio of 1 space per 200 square feet for their health club, based on other health club parking space calculations of other cities in our region such as Fargo, Grand Forks, Minot, and Dickinson. By applying a parking ratio of 1 space per 200 square feet to this scenario, Full Circle Strength Systems would need 36 parking spaces (7,200 square feet / 200).

Ching said that a smaller parking ratio is also consistent with the Unified Development Code (UDC) and *Planning Standards* that was published by the American Planning Association (APA). Both items are provided in the Commission packets.

The drafted version of the UDC dated November 4, 2015 provided the parking ratio for a personal service to be 1 space per 250 square feet. Personal service is defined as "provision of information, instructional, personal improvement and similar services of a nonprofessional nature as well as the provision of services of a personal nature. Typical uses include driving schools, health or physical fitness studio..." A copy of the list and definition are included in your packet.

*Planning Standards* by the APA provided variety of different cities' parking requirements and majority of the cities require a smaller parking ratio for a health club than what we require; these were provided to the Commissioners in their packets.

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 property takes access from the frontage road.*
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. *The applicant is providing 36 parking spaces as per the attached plan. All of the required parking spaces will need to be paved and striped. The drive aisle and the parking area will need to be paved with hot-mix asphalt or concrete.*
3. Refuse and service areas, with particular reference to the items in "1" and "2" above. *No additional refuse containers will be required.*
4. Utilities, with reference to locations, availability, and compatibility. *This property is served by city water and sewer.*
5. Screening and buffering with reference to type, dimensions, and character. *No screening or buffering will be required.*
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. *A wall sign of 2 square feet per 1 feet of building frontage and a freestanding sign with a maximum size of 200 square feet is permitted in accordance with Ordinance 1062. These will be approved with a sign permit, separately.*
7. Required yards and other open spaces. *No yards or open spaces are required by Zoning Ordinance.*
8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses are: Highway 2/85 to the north, C-2: General Commercial to the east, and M-1: Light Industrial to the south and west.*
9. Use shall not impose a hazard to health or safety. *The use should not impose a hazard to health or safety.*

Findings are listed below for the Commissioner's consideration for the reduced parking spaces:

1. There are restrictions of topography, title, lot design, existing building footprint, or required access on the lot that prohibit the parking requirement from being met. *The property is limited for additional parking due to the building being an existing building.*
2. The applicant has maximized the space available on the lot to accommodate the required parking. *The proposed parking fully utilizes the lot.*
3. The proposed reduction of required parking meets the handicapped parking requirement. *The required amount of parking per the Americans with Disabilities Act (ADA) is two ADA Accessible Spaces for facilities with 26-50 spaces; this will be in compliance.*

4. The reduction of required parking shall not cause a recognizable impact on traffic or adjacent land uses. *As demonstrated in the data from the usage patterns from the applicant's existing health club and the parking space ratio from Planning Standards by the American Planning Association, and the Unified Development Code, it is not foreseen that the reduction in required parking would adversely affect surrounding traffic or adjacent land uses.*
5. The reduced parking shall not adversely affect the public health, safety, and welfare. *As mention in Question #4, the requested parking is in excess with the usage patterns from the applicant's existing health club, and the parking space ratio from Planning Standards by the American Planning Association, and the Unified Development Code. It is not foreseen that the reduction in parking would adversely effect on public health, safety, or welfare.*
6. Market data provided by the applicant for similar uses in similar situations justifies a parking demand commensurate with the proposed reduction of required parking, including the relationship of the building footprint to the lot size. *The applicant has provided the usage patterns from their existing health club that indicates 36 parking spaces would be adequate during their peak hours.*

The Planning Department received comment from Kevin Christensen whose business is to the west of this proposed SPU. He commented that he is OK with the proposed SPU and the reduced parking. Ching concluded her presentation. Aafedt ask for any comment, discussion or motion from the Commission.

MOTION BY CHRISTENSEN, SECOND BY HANSEN to approve the Special Permitted Use request and Parking Reduction request for a gym/health club in an M-1: Light Industrial zone on Lot 22 less W 147.65' & Lot 23 less W 147' & part of Lot 24 less E 7.5' to the alley, Block 1 of Airport 1<sup>st</sup> Addition as presented contingent on recordation of the suggested finding and completion of recordation requirements. AYES: Christensen, Bauer, Eynon, Aafedt. NAYS: None ABSENT/NOT VOTING: Maristuen, Long, Hansen. ABSTAINED: None.

**B. Special Permitted Use request for the storage of oil field chemicals in an M-2: Heavy Industrial zone located at 14066 51st St. NW, Bennett Industrial Park**

Emilio Ramos and Tom Fleming of NALCO were joined via conference call for the meeting.

Aafedt introduced New Business Item 8B (as above) and asked Miller to present. Miller said that the applicant, Nalco Company, LLC, requests a Special Permitted Use (SPU) to store hazardous materials on Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision.

Storage of hazardous materials, subject to locally adopted Fire Code and State Building Code Regulation is allowed by a special permitted use (SPU) pursuant to section 23(C)(2)(M) of the Williston Zoning Ordinance.

Miller explained there is a 3-sided building proposed to be built on the property. The inside storage area will be 85' x 120' with a containment capacity of 39,025 gallons with the largest

container to be 550 gallons. An outside area south of the proposed building will be used for tote filling, overnight truck storage, and tote/drum unloading. The outside storage area will be 12,700 square feet with a containment capacity of 42,534 gallons and the largest container would hold 2,200 gallons. Both areas will be 8" thick concrete sloped to the two sumps located in the centers of each area.

Bob Kiser from the Fire Department commented that the Fire Department is OK with the SPU as long as the spill containment meets NFPA 30 and IFC/EPA requirements, fire protection is in place, a fire evacuation plan is developed and published, employees working on the property where the hazardous materials are handled/stored must be trained to the plan prior to occupancy, and proper signage to NFPA 704 applied to each side of complex.

At the June 29, 2017, Ad Hoc meeting, the Fire Chief expressed some concerns with spacing for chemicals and water flow capability. The Fire Chief mentioned possible amounts of on-site water storage due to the lack of pressure the rural water line on Bennet Loop provides. The closest water source is south near the bypass. Tom Fleming asked if the city had any intentions to run water lines out to the property. Bob Hanson stated that there are no intentions from the city to provide water lines or hydrants out into that area.

After the Ad Hoc meeting, the Fire Chief spoke with the applicant and has no additional concerns. Fire will not require any additional fire protection on this site. The hazardous materials storage will need to meet applicable codes for the types and quantities stored on site. The Fire Department recommends approval.

Williston Township has approved this proposal; Kevin Christensen had spoken by phone with Emilio Ramos.

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 property will take access from 51st Street NW.*
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.*
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. *There is a rural water line that is available along Bennet Loop and the property has a septic system.*
5. Screening and buffering with reference to type, dimensions, and character. *Any outdoor storage areas will need to be screened from the right of way in accordance with Ordinance 1007.*
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. *No additional signs are proposed.*

7. Required yards and other open spaces. *No yards or open spaces are required by Zoning Ordinance.*
8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses to the south, east, west are M-2: Heavy Industrial and County Agricultural to the north.*
9. Use shall not impose a hazard to health or safety. *The storage of the hazardous materials noted in the application within the proposed containment plan has been approved by the Fire Marshall. The applicant will have to meet the requirements of NFPA 30, NFPA 704, and IFC/EPA requirements in accordance with the Fire Department requirements.*

Commissioner Eynon said that at the Ad Hoc the Fire Chief was concerned about some water retention issues and asked if that had been resolved; Miller stated that had been cleared up and the Fire Chief had given approval of the proposal. Miller concluded his presentation and Aafedt asked for comments, discussion or a motion from the Commission.

MOTION BY CHRISTENSEN, SECOND BY HANSEN to approve the Special Permitted Use request to store hazardous materials in Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision as presented, contingent on recordation of the suggested findings and completion of recordation requirements. AYES: Christensen, Bauer, Eynon, Aafedt. NAYS: None ABSENT/NOT VOTING: Maristuen, Long, Hansen. ABSTAINED: None.

**COMMITTEE REPORT:**

**A. NONE**

**DATE OF NEXT REGULAR MEETING:** August 21, 2017

**MEETING ADJOURNED.**



Kent Jarcik, Williston Planning Director

**APPENDIX**  
**TO THE JULY 17, 2017 PLANNING AND ZONING**  
**COMMISSION MEETING**

1. Special Permitted Use and Parking Reduction request for a gym/health club in an M-1: Light Industrial zone located at 301 26<sup>th</sup> St. West – Mitch Hughes/Full Circle Strength Systems
  
2. Special Permitted Use request for the storage of oil field chemicals in an M-2: Heavy Industrial zone, Lot 2 ex. State, Block 1 of the Bennett Industrial Park Third Addition Subdivision, located at 14066 51<sup>st</sup> St. NW, Bennett Industrial Park - NALCO