

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON October 15, 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, Gjovig, Bauer, Hansen, Christensen

**MEMBERS ABSENT:** Long, Aafedt

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

**COMMUNICATIONS:**

A. Approval of minutes of the September 17, 2018, Planning Commission Meeting.

**MOTION BY CHRISTENSEN, SECOND BY GJOVIG** to approve the September 17, 2018, minutes as presented. **CARRIED ON VOICE CALL**

**PUBLIC HEARINGS:**

**A. PUD Amendment for the zone change request from R-4: High-rise Multi-family to R-3: Low-rise Multi-family residential for the proposed rearrangement of lots 7 & 8, Block 20, Harvest Hills Subdivision.**

Vice-Chairman Hansen introduced this item (as above) and asked Laqua to present. Laqua stated this application consists of three parts and that she will present them all in one presentation, but each will require its own public hearing and motion from Commission. She explained that this property is located south of Prairie Pines and is surrounded by R-3: Low-rise Multi-family residential properties. The applicant is requesting the following:

1. A PUD amendment to the PUD map of Harvest Hills, changing the underlying zoning of these two lots from R-4: Highrise Multifamily Residential to R-3: Lowrise Multifamily and Townhouse Residential
2. A zone change to the underlying zoning from R-4: Highrise Multifamily Residential to R-3: Lowrise Multifamily and Townhouse Residential
3. A short plat to split Lots 7 & 8 each into 4 lots, allowing for a total of 8 lots that are each 75' x 90, which is consistent with the rest of the R-3 single family lots in Block 20.

Laqua said this change to the PUD and zoning would be more consistent with the surrounding lots and zoning and would allow for the addition of 8 single family homes.

No development agreement is required as the original DA and PUD for Harvest Hills will remain in place and will apply to these new lots.

There will need to be new sewer and water lines extended into 6 of the 8 lots. There are no additional easements required.

#### RECORDATION REQUIREMENTS

1. Correction of plat redlines
2. Approval of PUD amendment and Zone Change by City Commission

Laqua completed her presentation and Hanson opened the public hearing for the PUD Amendment. After calling for public comment three times and hearing none she closed the public hearing and asked for the wishes of the commission.

**MOTION BY CHRISTENSEN, SECOND BY GJOVIG**, to recommend approval of a PUD Amendment for the zone change request from R-4: High-rise Multi-family to R-3: Low-rise Multi-family residential for the proposed rearrangement of lots 7 & 8, Block 20, Harvest Hills Subdivision, contingent on recordation of the plat and approval of the PUD Amendment and Zone Change by the City Commission. **AYES:** Eynon, Bauer, Gjovig, Christensen, Hansen. **NAYS:** None **ABSENT/NOT VOTING:** Long, Aafedt. **ABSTAINED:** None.

**B. ZONE CHANGE from R-4: High-rise Multi-family to R-3: Low-rise Multi-family residential for the proposed rearrangement of lots 7 & 8, Block 20, Harvest Hills Subdivision.**

Vice-Chairman Hansen opened the public hearing for the zone change request. No public comment was heard after three calls. Hansen closed the public hearing and asked for the wishes of the commission.

**MOTION BY CHRISTENSEN, SECOND BY GJOVIG**, to recommend approval of a ZONE CHANGE from R-4: High-rise Multi-family to R-3: Low-rise Multi-family residential for the proposed rearrangement of lots 7 & 8, Block 20, Harvest Hills Subdivision, contingent on recordation of the plat and approval of the PUD Amendment and Zone change by the City Commission. **AYES:** Eynon, Bauer, Gjovig, Christensen, Hansen. **NAYS:** None **ABSENT/NOT VOTING:** Long, Aafedt. **ABSTAINED:** None.

**C. SHORT PLAT to split lots 7 & 8, Block 20, Harvest Hills Subdivision into 8 smaller lots consistent with existing adjacent R-3: Low-rise Multi-family residential lots.**

Vice-Chairman Hansen opened the public hearing for the Short Plat. Bob Horab, Williston Builder's Association, stated that he thought this was a good idea. No other public comments were heard so Hansen closed the public hearing and asked for the wishes of the commission.

**MOTION BY GJOVIG, SECOND BY CHRISTENSEN**, to approve SHORT PLAT to split lots 7 & 8, Block 20, Harvest Hills Subdivision into 8 smaller lots consistent with existing adjacent R-3: Low-rise Multi-family residential lots, contingent on recordation of the plat and approval of the

Zone Change by the City Commission. **AYES:** Eynon, Bauer, Gjovig, Christensen, Hansen.  
**NAYS:** None **ABSENT/NOT VOTING:** Long, Aafedt. **ABSTAINED:** None.

**UNFINISHED BUSINESS:** NONE

**NEW BUSINESS:**

Vice-Chairman Hansen, at the request of staff, first asked for an amendment to this agenda item. The agenda incorrectly stated that the property in question was zoned HCC: Highway Corridor Commercial but is actually zoned M-1: Light Industrial.

**MOTION BY CHRISTENSEN, SECOND BY GJOVIG**, carried on voice call.

- A. Special Permitted Use request to operate a crematorium in an ~~HCC: Highway Corridor Commercial~~ M-1: Light Industrial zoning district. 3423 West Front Street. – Coughlin Funeral Home d/b/a Everson Coughlin Funeral Home**

Vice-Chairman Hansen introduced this item of New Business (as above) and asked Laqua to present. Laqua explained the applicant, Coughlin Funeral Home has applied for a special use permit to allow a crematorium in M-1: Light Industrial. A crematorium is not a listed permitted use, so this would be a non-enumerated special use permit.

The applicant provided a letter from Matthews Environmental Solutions which states that they are the "leader in cremation equipment". They note that the equipment operates without smoke or odor, and emission levels are substantially lower than allowable standards. There is no by-product that is visible, and no odor.

Laqua said there is no crematorium currently in Williston and the closest one is in Dickinson. This would allow this service to be brought to the community.

The applicant will be repurposing the existing shop on the property. Development standards on the property will need to be met, including paving of access and parking. There is no room for landscaping. The size of building and use will require 4 parking spaces.

This property is zoned M-1: Light Industrial and has been used as a shop in the past. Laqua said that the property is not currently connected to water and sewer; the City Engineer has noted the intent to add water and sewer to that area in the near future. For now, the crematorium could access off existing water and septic system.

**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 Front St 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.* This SPU requires 4 paved parking spaces.
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 a water tank and septic tank until city water and sewer are extended to the area.
5. *Screening and buffering with reference to type, dimensions, and character.* Site has no screening or buffering requirements. There is no room on the property for additional landscaping.
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 abutting properties are zoned M-1: Light Industrial. While this use is non-enumerated, it is an appropriate use considering the surrounding uses are more heavily impactful than the proposed crematorium.
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. Hansen asked if there were any questions from the Commission. Commissioner Eynon asked if there was a water supply to the site at this time. The applicant, Seth Coughlin said no, it would for now be holding tanks. No other discussion or questions from the commission.

**MOTION BY GJOVIG, SECOND BY CHRISTENSEN,** to approve the Special Permitted Use request to operate a crematorium in a .17 acre tract in the NENE Sec. 28, M-1: Light Industrial zoning district at 3423 West Front Street. **AYES:** Gjovig, Bauer, Eynon, Hansen Christensen. **NAYS:** None. **ABSENT/NOT VOTING:** Long and Aafedt. **ABSTAINED:** None

**COMMITTEE REPORT:**

**A. NONE**

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

**MEETING ADJOURNED.**

  
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 Kent Jarcik, Williston Planning Director