

**CITY OF JAMESTOWN**  
**102 3rd Ave SE**  
**Jamestown, ND 58401 - Phone: 701-252-5900**  
**DRAFT MINUTES - Planning Commission - NOVEMBER 14, 2016 - 8:00 a.m.**

PRESENT: Hillerud, Bayer, Frye, Trautman, Rath, Bensch

OTHERS: Fuchs, Klundt, Liebig, Reuther, Wollan, Harty

ABSENT: Ritter, Paulson, Rhinehart

1. Chairman Hillerud opened the meeting. Commission member Trautman made a motion to approve the minutes from the October 10, 2016 Planning Commission meeting. Seconded by Commission member Rath. Motion Carried.

2. Public Hearing: Land Use Amendment

Lots 1 - 6, Block 1, Meidinger Sixth Addition from Park/Open Space/Recreation to Urban Residential – Low Density Land Use.

The property is located at: 913, 917 and 1109 18th Street SE and 1716 12th Avenue SE

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the land use amendment. Chris showed an aerial of the area as shown on the Land Use and Transportation Plan (LUTP). He explained that this land has already been platted, the subject lots are intended for residential use, and that Lots 5 and 6 are already developed with a single family home. He noted that the purpose for the land use amendment is to reflect the existing, likely future uses, and to also allow for the possibility to construct duplexes as requested by the applicant. Chris also noted the further discussion regarding the proposed construction of duplexes should be discussed during the zone change request item that follows.

Discussion among the Commission members questioned why, since it is a residential area, was the area designated as Park/Open Space/Recreation in the new LUTP. Chris stated that would be a question for the Consultants who formulated the LUTP.

Chairman Hillerud opened the public hearing. No one appeared. Chairman Hillerud closed the public hearing.

Commission member Bayer made a motion to accept the findings of staff and recommend approval of the land use plan amendment from Park/Open Space/Recreation to Low Density Residential for Lots 1 – 6, Block 1, Meidinger Sixth Addition within the NW ¼ of Section 6, Township 139N, Range 63 West and the SW ¼ of Section 31, Township 140N, Range 63 West to the City Council. Seconded by Commission member Bensch. Roll Call. Unanimous aye vote. Motion Carried.

3. Public Hearing: Zone Change

Lots 1 – 4, Block 1, Meidinger Sixth Addition from R-1 (One Family Residential District) to R-1-A (One Family Residential District and Duplex or Two Family Residential District). The property is located at: 913 and 917 18th St SE.

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the zone change. Chris explained that a building variance was requested by the developer in October which was denied due to the small lot sizes and the size of the new buildings that were proposed. Chris explained the staff's responses to each of the concerns received by the residents of the area. This discussion included: access points, road widths, emergency routing, parking, and distance from the intersection, structure aesthetics, renters, and private agreements.

Discussion among the Commission members included parking along 18<sup>th</sup> St on the south side. Chris, SRF Consulting Group, Inc. explained each type of housing (duplex and single family detached) would require the same off street parking requirements (2 spaces per unit). Commission member Bayer asked what would be the protest amount needed to deny the zone change request. Chris explained that the 20% threshold as outlined in the ordinance was met; therefore, the City Council will need a ¾ majority in order to accept the zone change.

Chairman Hillerud opened the public hearing.

Roy Sheppard, 1510 9<sup>th</sup> Ave SE, stated that he has been a resident of the Meidinger subdivision since 1979. Roy stated there have been other zone change requests for this area in the past, and the reasons they were all denied have not changed. Roy considers this request spot zoning. Traffic is also a concern as there is just one ingress into this area, and it is his opinion that 18<sup>th</sup> St SE should have no parking. He also stated that the subdivision was developed with covenants in place. He noted that during flooding, a dike had to be built on the road, causing more traffic problems. He urged members to not consider this zone change.

Ron Mayer, 1704 9<sup>th</sup> Ave SE, one of the original home owners in the Meidinger subdivision, built his home in 1980. He agrees with the statements of Roy Sheppard. The neighborhood was intended to be single family homes. He owns other lots near his home. He also spoke about snow removal in the area and flooding issues. He feels that the zone change would be a huge discredit to the neighborhood, and understands that zoning is to benefit the residents already there.

Ron Buchholtz, 909 18<sup>th</sup> St SE, adjacent property owner spoke of emergency access issues and gave an example of how this causes a bottleneck of traffic. Ron requested these lots remain zoned for single family uses.

Michael Reinsour, 1500 9<sup>th</sup> Ave SE, recent resident of this area, spoke that it is a quiet neighborhood and agrees that the road is too narrow to accommodate more than single family dwellings. He is requesting that the zone change not be approved.

No one else appeared. Chairman Hillerud closed the public hearing.

Chairman Hillerud agreed with the residents in that this would change the neighborhood. Commission member Bensch talked about the recent denial of a building variance for the duplex, and that it was too much building for the size of the lots and that it would be unfortunate to change the zoning. Commission member Bensch also stated that this change of zone could force residents to take court action because of the covenants currently in place. Commission member Trautman said she did not agree with this spot zoning. Commission member Frye agreed with Chairman Hillerud and saw no reason to approve this zone change request.

Stating that the request could result in spot zoning within a single family home neighborhood, Commission member Rath made a motion to recommend denial of the zone change request from R-1 (One Family Residential District) to R-1-A (One Family Residential District and Duplex or Two Family Residential District) for Lots 1 through 4, Block 1 of Meidinger Sixth Addition to the City Council. Seconded by Commission member Trautman. Roll Call. Unanimous aye vote. Motion Carried.

4. Chairman Hillerud invited the Commission to attend the Stormwater Sub Committee public open house meeting on December 8<sup>th</sup>, 2016 from 6-8pm at the Law Enforcement Center lower level conference room.
5. Commission members agreed to adjourn. Meeting adjourned.