

CITY OF JAMESTOWN
102 3rd Ave SE - Jamestown, ND 58401
Phone: 701-252-5900

DRAFT MINUTES
Planning Commission – OCTOBER 9, 2017 - 8:00 a.m.

Present: Hillerud, Trautman, Bayer, Frye, Bensch, Paulson, Rhinehart

Others: Reuther, Fuchs, Veil, Blackmore, Harty

Absent: Ritter, Rath

1. Chairman Hillerud opened the meeting. Commission member Trautman made a motion to approve the minutes from the September 11, 2017 Planning Commission meeting. Seconded by Commission member Rhinehart. Motion Carried.

2. Public Hearing: Final Plat – R.H. Rebel Addition

The final plat of R.H. Rebel Addition, Lots 1 through 4, Block 1, a replat of Lots 4, 5 and 7, Block 2 of First Northwest Addition; Lots 4 and 5, Block 2 of Fourth Northwest Addition and Block 3 of Fourth Northwest Addition, City of Jamestown, Stutsman County, North Dakota.

Scott Harmstead, SRF Consulting Group, Inc. gave the staff report. The purpose of the plat is to reconfigure existing lots into larger lots more conducive for commercial/light industrial development. The property is currently zoned M-1, Limited Industrial & Manufacturing district and is consistent with the Land Use and Transportation Plan (LUTP). The plat has been revised clarifying the old lots and the new lots. Proposed vacations will not result in any lots losing access to public right of way. This area is not serviced by city utilities; however, easements exceed the minimum width of 10' required by the City of Jamestown that will provide utility access for Stutsman Rural Water.

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 Final Plat for R.H. Rebel Addition, a replat of Lots 4, 5, and 7, Block 2 of First Northwest Addition; Lots 4 and 5, Block 2 of Fourth Northwest Addition; and Block 3 of Fourth Northwest Addition to the City Council. Seconded by Commission member Bensch. Roll Call. Unanimous aye vote. Motion Carried.

3. Public Hearing: Final Plat – Menards Second Addition

The final plat of Menards Second Addition, Lots 1 and 2, Block 1, a replat of Lot 3, Block 1 of Menards Addition, within Section 2, Township 139N, Range 64W, City of Jamestown, Stutsman County, North Dakota.

Scott Harmstead, SRF Consulting Group, Inc. gave the staff report. The site is currently zoned C-2 and is consistent with the LUTP and allows the expansion of highway commercial businesses. The stormwater outlets in existence have capacity to handle the lot being developed. The intent of the plat is to facilitate the development of a new commercial business on Lot 2. The overall traffic impact is anticipated to be minimal as access is already available to 23rd St SW and shared parking opportunities exist with the adjacent parking lot. The businesses will be directly accessible from the shared parking lot.

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

Commission member Trautman made a motion to accept the findings of staff and recommend approval to the City Council for the Final plat of Menards Second Addition, Lots 1 and 2, Block 1, a replat of Lot 3, Block 1 of Menards Addition within Section 2, T139N, R64W, City of Jamestown. Seconded by Commission member Rhinehart. Roll Call. Unanimous aye vote. Motion Carried.

4. Public Hearing: Tahran Trailer Court Zone Change

Tahran Trailer Court, Block 1, Lots 12-13 and Tahran Trailer Court 2nd, Block 1 – Lots 5-9 & Block 2, Lots 1-3 located within the extraterritorial one mile of the City of Jamestown, Stutsman County, North Dakota from C-2 (General Commercial District) to R-1 (One Family Residential District). The property is located at 3351 Hwy 281 SE.

Scott Harmstead, SRF Consulting Group, Inc. gave the staff report. Scott explained that the zoning in the area is C-2, General Commercial District, however; the future land use is for urban residential, low density in the LUTP, and is included in the City's extraterritorial zoning jurisdiction. The area contains small lots and these are considered "existing nonconforming" with regard to their small size. Due to the C-2 zoning, some storage buildings that would exceed R-1 zoning requirements have recently been constructed. However, on balance, a change of zoning to R-1 would result in less nonconforming uses in the subject area than the current situation with many residential units in the C-2 zoning.

One protest to the zone change was recently received; this concern related to the lack of community sewer in the area, small lot sizes, perceived crime, and traffic in the area.

Discussion among members included questions about the lot sizes, how many lots have mobile homes on them, and why is the zone change requested. Scott Harmstead, SRF Consulting Group, Inc. explained that due to the applicant wanting to add an addition to their home, the building permit could not be issued in the existing zone. He noted the lot sizes average 50 feet by 120 feet.

Commission member Trautman asked how to get the whole area re-zoned to residential. Mr. Harmstead relayed that the City would have to ask all of the owners for approval of a zone change. Chairman Hillerud asked if this would be a city driven issue if we wanted to re-zone the whole area. Jamison Veil, City Assessor, related that the best scenario would be to re-zone the whole area; however, it is most practical to work with each property owner at a time as building permits come forth.

Chairman Hillerud opened the public hearing.

Doreen Albohm, 3351 Hwy 281 SE, #8 spoke that they bought an addition to their home in Mandan and got a moving permit to bring the addition in, but was told they could not get a building permit from the City due to the current zoning.

Colleen Sigurdson, 3343 Hwy 281 SE, #2, said she owns the first five lots adjacent to the frontage road, and has been there for 40 years, and requested that if a zone change is approved, the area needs to be cleaned up. Chairman Hillerud stated that changing the zoning does not have not have any bearing on any need in the area for

junk clean up. Ms. Sigurdson stated the area was previously platted as a trailer park and that is why it is zoned commercial. Mr. Harmstead stated that the zone change request would bring the area closer to a true representation of what the area is currently being used for which is predominately a residential area. Commission member Trautman said the city is responsible for zoning but there is no mechanism for enforcing the zoning responsibilities. The City has extraterritorial authority but there is no City ordinance or agreement between the City and the County to facilitate enforcement of the zoning ordinance.

Chairman Hillerud closed the public hearing.

Jeff Fuchs, City Administrator, spoke that in this situation the City controls zoning, but ordinances other than zoning do not extend beyond the city limits. The zone change is for the building permit and must meet the City code, beyond that there is nothing to enforce.

Commission member Hillerud made a motion to accept the findings of staff and recommend approval to the City Council for the zone change of Tahran Trailer Court, Block 1, Lots 12-13 and Tahran Trailer Court 2nd, Block 1 – Lots 5-9 & Block 2, Lots 1-3 located within the extraterritorial jurisdiction of the City of Jamestown, Stutsman County, North Dakota from C-2 (General Commercial District) to R-1 (One Family Residential District) as it meets the requirements of Appendix C of the Jamestown Municipal Code. Commission member Frye seconded the motion. Roll Call. 2 nay (Bayer & Rhinehart) 5 aye. Motion Carried.

5. Public Hearing: Preliminary Plat - Loose Addition

The preliminary plat of Loose Subdivision, Lots 1 & 2, a replat of Auditor's Lots 4-7 and Lots 4-6 together with part of the NE ¼ and part of the SE ¼ of Section 4, Township 139N, Range 64W, of the fifth principal meridian, Stutsman County, North Dakota. The property is located along 81st Ave SE between 36th & 37th St SE.

Scott Harmstead, SRF Consulting Group, Inc. gave the staff report. This plat is a reconfiguration of lots to facilitate a land transaction for agricultural purposes. The A-1 (Agricultural District) zone will not change and is consistent with the LUTP. The plat consists of 12.1 acres total and the replat would result in two lots; with Lot 1 containing 10.8 acres and Lot 2 containing 2.0 acres. Since there is no urban development involved here, no drainage study or new utility easements are required. This plat is a good example of a minor plat that should not require both the preliminary and final plat process due to the plats simplicity and purpose.

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 Preliminary Plat for Loose Subdivision, Lots 1 & 2, a replat of Auditor's Lots 4-7 and Lots 4-6 together with part of the NE ¼ and part of the SE ¼ of Section 4, Township 139N, Range 64W, City of Jamestown. Seconded by Commission member Rhinehart. Roll Call. Unanimous aye vote. Motion Carried.

6. Commission member Frye, made a motion to adjourn, seconded by Commission member Bensch. Meeting adjourned.