

CITY OF JAMESTOWN
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DRAFT MINUTES
Planning Commission – January 8, 2018 - 8:00 a.m.

PRESENT: Hillerud, Ritter, Frye, Rath, Bensch, Bayer, Trautman
OTHERS: Reuther, Liebig, Fuchs, Mayor Andersen, City Attorney Ryan
ABSENT: Rhinehart, Paulson

1. Chairman Hillerud opened the meeting. Commission member Trautman made a motion to approve the minutes from the November 13, 2017 Planning Commission meeting, seconded by Commission member Rath. Motion Carried.
2. Public Hearing: Preliminary Plat, WBI Energy Jamestown Border Station Plat
The preliminary plat of WBI Energy Jamestown Border Station Plat, located in the SE ¼/ NW ¼ of Section 32, Township 140N, Range 63W, of the fifth principal meridian, Stutsman County, North Dakota. The property is located south of 8546 35th St SE, Jamestown, ND.

Scott Harmstead of SRF Consulting Group, Inc. gave the staff report. The purpose of the preliminary plat requested by the applicant & owner is to provide a utility site for a natural gas measurement facility. The property is currently zoned M-1 (Limited Industrial & Manufacturing District) and is designated as ag/open space in the land use plan. The adjacent properties are also zoned M-1. The site does not require water or sewer; however, there are existing easements for WBI utilities and construction activities will be confined to the existing easements. There will be minimal impact to local traffic, access to the proposed lot is provided by an existing township road.

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 approve the Preliminary Plat for the WBI Energy Jamestown Border Station Plat, located within the SE quarter of the NW quarter of Section 32, T140N, R63, Stutsman County, North Dakota. Seconded by Commission member Rath. Roll Call. Unanimous aye vote. Motion Carried.

3. Public Hearing: Land Use Amendment
Residence Park 2nd Addition, Block 1, All Ex S 90' Of Lot 1 Replat & Ex Parcel A, Block 1, City of Jamestown, Stutsman County, North Dakota from Public/Institutional to High Density Residential. Property is location-1404 1st Ave North.

Scott Harmstead, SRF Consulting Group, Inc. gave the staff report, showing aerial and onsite photos of the area. The applicant is pursuing a land use plan amendment from public/institutional to high-density residential to allow for development compatible with R-2 zoning in order to convert the existing property, a vacant nursing home, into a lodging house for 14 tenants. A lodging home is listed, but not defined in the City ordinance; the closest definition is a boarding house, which allows 10 units. Mr. Harmstead explained that the applicant was asked to apply for the High Density Urban Residential land use because the R-2 zone district allows maximum densities in line with the densities described in the High Density Urban Residential land use category of the Land Use Plan. The applicant's intent is to use the building to house seasonal workforce for a honey business. The applicant is also pursuing a zone change from R-1 to R-2 to allow the proposed use. The parcel contains 4.1 acres, less a single-family home on the site. Mr. Harmstead noted that the proposed use is a practical example of adaptive reuse; however, Mr. Harmstead highlighted concerns regarding property access and the potential for land use inconsistency with the surrounding single family residential neighborhood. In considering what could be developed in the R-2 district with the maximum densities as provided in the zoning regulations, Mr. Harmstead recommended that the application be denied.

Mr. Harmstead added that the only way the subject property could be developed to the point where it would meet the High Density Urban Residential description is if it were subdivided in the future. Any application for a subdivision would come before the Planning Commission and City Council. Mr. Harmstead also discussed inconsistencies regarding density between some of the residential zoning districts and the land use plan.

Discussion among members included access issues, density issues, and limitations imposed on future development due to platting requirements.

Chairman Hillerud opened the public hearing.

Michael Swartz, 302 4th Ave SE, spoke about this being a great reuse of property. Zoning seems to be the issue, and by allowing R-1 zoning, the proposed use could be handled. Scott Harmstead, SRF Consulting Group, Inc. replied that the R-1 zone does not allow the intended use of the property.

Harley Trefz, 709 17th St SE, appeared to speak of 1st Ave NW and the alleys in the area, and questioned if they have been vacated legally. Chairman Hillerud stated that 1st Ave NW dead-ends at the subject property and 15th St NW is platted on the north side of this property, with direct connection to the subject property. Mr. Trefz stated that this space is a great infill opportunity, but part of this lot is in the flood plain, and the proposal is not consistent with new ordinances relating to access issues and nursing homes, among other issues.

Damaris Lorenz, Browning Honey employee, spoke in support of the application. Ms. Lorenz stated that they have seasonal workers who use vans and carpool to reduce vehicle use. Ms. Lorenz stated they currently house these workers in different homes throughout the city, but is not a cost-efficient way to house employees. The typical season for the employees is from April to approximately November, and then many workers go back to California until spring. This facility will allow the business to provide more carpooling. The business does not have any intentions of splitting up the property. Ms. Lorenz noted that the business will be required to provide building inspections to insure safety for the employees. Ms. Lorenz also stated that the current owner has said there have never been issues with flooding.

Commission member Bensch asked if there could be a use variance with the Board of Adjustment to allow this in the R-1 zone. Mr. Harmstead explained that use variances are more appropriately handled with a change in the zoning ordinance text.

Chairman Hillerud closed the public hearing.

Chairman Hillerud agreed that the proposed use is much better than the alternative of letting the building remain vacant.

Commission member Trautman asked if the land use was changed to Low-Density Urban Residential in the Land Use Plan, would the proposed use comply. Mr. Harmstead replied that the proposed use could potentially comply in the R-2 district since the density of the lodging home over the entire property is consistent with the Low-Density Urban Residential category in the Land Use Plan. Further, the intent of the R-2 zone district from the housing types listed is similar to the description of the Low-Density Urban Residential category in the Land Use Plan. The difficulty remains with the maximum density allowed in Section 8.4 of the zoning regulations.

Jamison Veil, City Assessor/Planning & Zoning administrator stated there were no formal protests received.

Mayor Katie Andersen asked the Commission if an R-4 zone district had been considered. Mr. Harmstead replied that the R-4 zone district could be a viable option for this proposal. However, a detailed site plan and description of the proposed use is required for any proposal in the R-4 zone. Any changes to the use or site plan would be required to come back to the Planning Commission and City Council and be treated similar to a change in zoning. Mr. Harmstead noted that if the

Commission desired that the applicant use R-4 zoning for the proposed use, the item would need to be moved to the next Planning Commission hearing, a notice to the public for R-4 zoning, and the surrounding property owners would again be given an opportunity to protest the change.

Commission member Trautman made a motion to recommend to the City Council to amend the land use plan from Public/Institutional to Low Density Residential for Residence Park 2nd Addition, Block 1, All Ex S 90' of Lot 1, Replat & Ex Parcel A, Block 1, City of Jamestown. Commission member Trautman supported her motion by stating there would be minimal traffic impact when compared to the preexisting nursing home use and that the subject property is a good fit for the Low-Density Urban Residential category in the Land Use Plan due since it would match the surrounding single family home neighborhood. Seconded by Ritter. Roll Call. Unanimous aye vote. Motion Carried.

4. Public Hearing: Zone Change

Residence Park 2nd Addition, Block 1, All Ex S 90' Of Lot 1 Replat & Ex Parcel A, Block 1, City of Jamestown, Stutsman County, North Dakota from R-1 (One Family Residential District) to R-2 (One to Six Family Residential District). The property is located at 1404 1st Ave North.

Scott Harmstead, SRF Consulting Group, Inc. gave the staff report explaining the reason for the application being that the applicant would like to convert the existing property, a vacant nursing home, into a lodging house for 14 tenants. In analysis of the proposed use, it was found that Jamestown's zoning ordinance does not clearly address the proposed use. Section 5.3 states that boarding houses and lodging houses are listed as a permitted use in an R-2 zone; however, "boarding house" is defined as a dwelling for at least three but no more than ten unrelated tenants. Because "lodging house" is not specifically defined, the interpretation was made that "lodging house" is similar to a "boarding house", but larger.

The property must be zoned R-2 to permit the lodging house. However, if the zoning is changed to the R-2 district, all other uses listed as allowed could be constructed without Planning Commission or City Council consideration. A special use permit is not an option in the case because lodging houses are not listed as a special use.

Mr. Harmstead explained that the area could be zoned R-4; however, the applicant would have to present the use and plans for the property, and these plans would have to be brought back to the Commission for approval. Also, adjacent owners would again have to be notified of the zone change and another public hearing would need to be held.

Chairman Hillerud opened the public hearing.

Michael Swartz, 302 4th Ave SE, asked for clarification of the R-2 zone and low density use. Mr. Harmstead explained that there could be up to two 6-plex buildings on the property, with up to a total of 12 housing units on the property. The density of 12 housing units on the subject property would still be considered as Low-Density Urban Residential as detailed in the Land Use Plan.

Damaris Lorenz, representing the applicant, spoke of time constraints involved if there had to be another public hearing. Mr. Harmstead explained the next Planning Commission meeting would be held next month to include another public hearing.

Commission members discussed the pros and cons of this situation relative to the zone change, and the options of changing the zoning to R-2 or R-4. Chairman Hillerud asked Mr. Harmstead if staff could evaluate consistency between zoning districts and the Land Use Plan, and bring the issue back for discussion at the next meeting. Mr. Harmstead agreed.

Chairman Hillerud closed the public hearing.

Mr. Harmstead explained that the two options before the Planning Commission include: 1) change the zone to R-2 as it could be considered consistent with the Low-Density Urban Residential land use until the property is subdivided to allow higher densities, or 2) rezone to R-4, which would allow the proposed use but with the applicant presenting a detailed plan of action; another public hearing next month at the Planning Commission and another zone change notice to adjacent owners.

Commission member Ritter made a motion to recommend to the City Council to accept the zone change from R-1 to R-2 for the subject property, Residence Park 2nd Addition, Block 1, All Ex S 90' Of Lot 1 Replat & Ex Parcel A, Block 1, City of Jamestown due to the minimal traffic impact any development in the R-2 zone district would have and because the R-2 zone district applied to the subject property can be found consistent with the Low Density Urban Residential category of the Land Use Plan until the property is subdivided. Commission member Bensch seconded the motion. Roll Call. Unanimous aye vote.

5. Continuation of discussion relating to ordinance language to create a streamlined pathway for review and consideration of minor subdivisions and related ordinance changes.

Scott Harmstead, SRF Consulting Group, Inc. explained the need to discuss the tabled subdivision regulation minor subdivision amendment; however, the City Attorney could not be present for this item today. Jamison Veil, City Assessor/Planning & Zoning Administrator, said he had spoken to the City Attorney about this issue, and there are still some questions about the lot merger part of the language.

Commission member Bensch asked if this would affect any current mergers. Mr. Harmstead stated this would not change any existing mergers and would not be retro-active. Chairman Hillerud requested that the minor subdivision amendment be continued to next months' meeting.

Mr. Harmstead recommended he present findings regarding the inconsistencies between some of the zoning districts and the Land Use Plan land use categories, and that this information could also be presented next month the Planning Commission.

6. Commission member Frye made a motion to adjourn. Seconded by Commission member Ritter. Meeting adjourned.