

**CITY OF JAMESTOWN**  
**102 3rd Ave SE - Jamestown, ND 58401**  
**Phone: 701-252-5900**  
**MINUTES**  
**Planning Commission – April 8, 2019 - 8:00 a.m.**

**Present: Hillerud, Ritter, Trautman, Bensch, Rath, Frye, Bayer, Ostlie, Paulson**

1. Chairman Hillerud called the meeting to order. Commission member Ritter made a motion to approve the minutes from the February 11, 2019 Planning Commission meeting. Seconded by Commission member Bensch. Unanimous aye vote. Motion carried. There was no meeting held in March, 2019.
  
2. Public Hearing: Minor Subdivision, Preliminary/Final Plat – Hope Apostolic Addition  
The Minor Subdivision, Preliminary/Final plat of Hope Apostolic Addition, Lot 1, Block 1, a re-plat of Lots 1 – 5, Block 14 of Original Plat of Jamestown within the SW ¼ Section 25, T140N, R64W, Midway Township, City of Jamestown, Stutsman County, North Dakota. The property is located at 424 4TH Ave NE.

Tim Magnusson, SFR Consulting Group, Inc. gave the staff report. Tim explained the reason for the plat is to combine 5 lots which will allow construction of a new church building. The site is currently zoned R-3 (General Multiple Dwelling District) and will have a total area of .81 acres. The City of Jamestown provides water and sewer with 5 foot utility easements along 4<sup>th</sup> Ave & 5<sup>th</sup> St NE and along the alley ROW east of the site. The City Engineer has elected to grant a waiver to allow the 5-foot easements instead of the 10-foot easements as required by Ordinance. A storm water permit application has been submitted in November of 2018 and the application is considered complete.

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

A motion was made by Commission member Bayer to accept the findings of staff and approve the Minor Subdivision Preliminary/Final plat for Hope Apostolic Addition to the City Council. Commission member Trautman seconded the motion. Roll Call. Unanimous aye vote. Motion Carried.

3. Public Hearing: Minor Subdivision, Preliminary/Final Plat – Noah’s Park View Addition  
The Minor Subdivision, Preliminary/Final plat of Noah’s Park View Addition, Lot 1, Block 1, a re-plat of Lots 12 and 13, Block 1 of Prairie Park Addition within the NW ¼ Section 35, T140N, R64W, City of Jamestown, North Dakota. The property is located at 1608 and 1612 10th St SW.

Tim Magnusson, SFR Consulting Group, Inc. gave the staff report. The applicant wishes to combine two lots to be used for residential development. The proposed plat is zoned R-2-A, (Limited Multiple Residential. One to Twelve Plex). The replatting will result in .69 acres with adjacent land to the east and west also zoned R-2-A. To the north the property is zoned R-1 and to the south the property is zoned P-O-C. Utilities are serviced by the City of Jamestown and there are 10 foot easements provided along the southern & northern property lines. The City Engineer has waived the requirement for Storm water Management plan for this property. All items have been submitted and the application is considered complete.

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

A motion was made by Commission member Trautman to accept the findings of staff and approve the Minor Subdivision Preliminary/Final plat for Noah’s Park View Addition to the City Council. Commission member Rath seconded the motion. Chairman Hillerud did not vote due to conflict of interest. Roll Call. Unanimous aye vote. Motion Carried.

4. Public Hearing: Preliminary Plat – UPS Jamestown Addition

The Minor Subdivision, Preliminary/Final plat of UPS Jamestown Addition, Lot 1, Block 1, a re-plat of Lots 5 – 7, Block 1 of I-94 Business Park Addition within the SW ¼ Section 1, T139N, R64W, Woodbury Township, City of Jamestown, Stutsman County, North Dakota. The property is located at 2610 & 2702 3rd Ave SW. The hearing was changed to a preliminary plat as not all items have been submitted at this time.

Tim Magnusson, SFR Consulting Group, Inc. gave the staff report. The reason for platting is to combine three lots to allow construction of a new commercial building. The property is zoned M-1 (Limited Industrial & Manufacturing), and there are commercial & manufacturing uses located in all directions around the proposed plat. The total area of the plat is 4.74 acres. The proposed plat is serviced by the City of Jamestown with water & sewer utilities with a ten foot utility easement shown along 3<sup>rd</sup> Ave SE as required by Ordinance. There are also 10 foot utility easements along the north & south property lines and a twenty foot easement along the west property line. No addition ROW is required for this addition and actual access locations will be established during the site development process. The present utility easements that are present between lots 5 & 6 and lots 6 & 7 are being vacated since the area will be platted into one lot. A storm water permit application was submitted; however, the abstract and title opinion have not been approved at this time. The preliminary plat will continue to next month's hearing as a final plat.

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

A motion was made by Commission member Frye to accept the findings of staff and approve the Preliminary plat for UPS Jamestown Addition to the City Council. Commission member Ritter seconded the motion. Roll Call. Unanimous aye vote. Motion Carried.

5. Public Hearing: Proposed Text Amendments to Appendix C – Zoning Regulations Generally as follows:

- Proposed Text Amendment to add a definition "**24.1 Overlay District**" to Appendix C – Zoning Regulations Generally, Sec. 3. – Definitions.
- Proposed Text Amendment to add **(21) Downtown Overlay District** to Appendix C – Zoning Regulations Generally, Sec. 4. – Establishment of districts, Item A. Districts Established.
- Proposed Text Amendment to add **Sec. 5.9.4 Uses permitted, Downtown Overlay District** to Appendix C – Zoning Regulations Generally.
- Proposed Text Amendment to add the statement "**Properties located in the Downtown Overlay District are exempt from any and all off-street parking requirements.**" to Appendix C – Zoning Regulations Generally, Sec. 7 – Automobile parking and loading spaces required.

Tim Magnusson, SFR Consulting Group, Inc. gave the staff report explaining the four text amendments to Appendix C relating to parking in the downtown district.

The first action would be to add the following language to Appendix C – Zoning Regulations Generally, Sec. 3 – Definitions: 24.1 Overlay District: a zoning district which is applied over one or more previously established zoning districts that establishes additional standards and regulations for covered lots in addition to those allowed by the underlying zoning district.

The second action is to establish the following "Downtown Overlay District" by adding the following language to Appendix C – Zoning Regulations Generally, Sec. 4 – Establishment of districts, Item A. Districts Established:

(21) Downtown Overlay District

The third action is to establish types of uses to be conducted within the Downtown Overlay District by adding the following to Appendix C – Zoning Regulations Generally, Sec. 5.9.4 – Uses Permitted, Downtown Overlay District: Any uses allowed in the underlying zoning district plus any additional uses, standards or regulations applied in the overlay district.

The fourth action is to add the following language as the second sentence in paragraph one to Appendix C – Zoning Regulations Generally, Sec. 7 – Automobile parking and loading requirements: Properties located in the Downtown Overlay District are exempt from all off-street parking requirements.

Discussion included Commission member Bayer expressing his concern that by allowing the properties to be exempt from any downtown parking requirements, existing businesses could be affected by the development of nearby or adjacent properties which could change the number of parking spaces that are currently available to them and/or their proximity to the existing business, which may result in parking problems for the previously established business. Chairman Hillerud commented that he felt that the burden of providing parking spaces is the responsibility of the property owners and that it needs to be a consideration of a prospective business owner when they are considering establishing a building in the downtown district. Commission member Frye commented that parking requirements may discourage or encourage developers and does not want to separate the natural flow of the downtown district. He also expressed his belief that if it doesn't get changed it would be a major mistake. Chairman Hillerud agreed and stated he would like to see the overlay district put in place and that the outline established in the Land Use and Transportation Plan be presented to the City Council with the slight modification to pick up the block between 1st Avenue SW and 2<sup>nd</sup> Avenue SW and 4<sup>th</sup> Street SE and 5<sup>th</sup> Street SE, which was added to avoid disrupting an existing shared parking arrangement as the proposed overlay district. Commission member Ritter talked about the Hugo's store area and how their parking requirements were met by using the adjoining church parking lot and street parking to meet the number needed. Chairman Hillerud stated that he felt amending the text was needed to better reflect the actual physical conditions that much of the downtown district is faced with and provide an acceptable method for development of the downtown district without the need to eliminate any existing buildings in order to obtain land to provide adequate parking to satisfy the existing ordinance. He felt, that by establishing the Downtown Overlay District, there may be some properties in the downtown district that, under the current ordinance could not be developed, but could be if the parking requirement was waived as proposed.

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

- A motion was made by Commission member Frye to accept the findings of staff and approve a text amendment that will add the following language to Appendix C – Zoning Regulations Generally, Sec. 3 – Definitions:  
***24.1 Overlay District: a zoning district which is applied over one or more previously established zoning districts that establishes additional standards and regulations for covered lots in addition to those allowed by the underlying zoning district.***  
Commission member Bensch seconded the motion. Roll Call. Unanimous aye vote. Motion Carried.
- A motion was made by Commission member Frye to accept the findings of staff and approve a text amendment that will add the following language to Appendix C – Zoning Regulations Generally, Sec. 4 – Establishments of districts, item A. Districts Established:  
***(21) Downtown Overlay District***  
Commission member Ritter seconded the motion. Roll Call. Unanimous aye vote. Motion Carried.
- A motion was made by Commission member Frye to accept the findings of staff and approve a text amendment that will add the following language to Appendix C – Zoning Regulations Generally:  
***Sec. 5.9.4 Uses Permitted, Downtown Overlay District – Any uses allowed in the underlying zoning district plus any additional uses, standards or regulations applied in the overlay district.***  
Seconded by Commission member Trautman. Roll Call. Unanimous aye vote. Motion Carried.

- A motion was made by Commission member Frye to accept the findings of staff and approve a text amendment that will add the following language to as the second sentence in paragraph one (1) to Appendix C – Zoning Regulations Generally, Sec. 7 – Automobile parking and loading requirements:  
***Properties located in the Downtown Overlay district are exempt from all off-street parking requirements.***  
Seconded by Commission member Ritter. Roll Call. Unanimous aye vote. Motion Carried.

6. Commission member Ritter asked where we are in the budget with SRF Consulting Group, Inc. as there are several minor subdivisions coming forward. City Administrator, Sarah Hellekson, said she will send the budget report to Planning Commission members.
7. Commission member Bensch asked if the City Engineer & Building inspector could do the minor subdivisions. Chairman Hillerud explained that we do need the public hearing. City Planning & Zoning Administrator, Jamison Veil stated that this issue has come up at City Council, but there is not enough City staff to do the proper reviews for these types of plats in house.
8. Chairman Hillerud welcomed new member Mitch Ostlie who is filling the unexpired term for Mike Rhinehart. Chairman Hillerud also noted that we will continue the UPS plat next month, and there are four other minor subdivisions coming up next month as well.
9. Chairman Hillerud made a motion to adjourn. Seconded by Frye. Motion Carried.