

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

**DRAFT MINUTES - Planning Commission  
JUNE 8, 2015 - 8:00 a.m.**

Present: Hillerud, Bensch, Ritter, Trautman, Bayer, Rath

Others present: Andersen, Wiles, Reuther, Fuchs, Wollan, Harty

Absent: Frye, Rhinehart

1. Chairman Hillerud called the meeting to order. Commission member Ritter made a motion to approve the minutes from the May 11, 2015 Planning Commission meeting. Seconded by Commission member Rath. Unanimous vote. Motion Carried.
2. Chris Clanahan, SRF Consulting Group, Inc. requested on behalf of city staff that a discussion of right-of-way (ROW) dedication in the one mile extra-territorial area be added to the agenda. Chairman Hillerud stated that the discussion would take place following the discussion of items previously listed on the agenda. The Commission agreed to add the discussion item to the agenda.
3. Public Hearing – Zone Change:  
Zone *change* request from A-1(Agricultural District) and R-1 (One-Family Residential) to R-1 (One-Family Residential) for the proposed Lots 1-6, Block 1, and Lots 1-4, Block 2, Dakota Acres First Addition and from P-O-C (Public, Open Development and Conservation District) and R-1 (One-Family Residential) to R-1 (One-Family Residential) for the proposed Lots 1-3, Block 3, Dakota Acres First Addition within the East ½ of Section 13, Township 140N, Range 64W. (3275, 3273, 3271, 3269, 3267, 3265, 3261, 3259, 3253, 3251, 3249, 3245, and 3541 Highway 20 SE, Jamestown, ND)

Chris Clanahan of SRF Consulting Group, Inc. reviewed the staff report recommending approval of the Zone Change. He stated that the proposed zoning is consistent with the City's land use plan. A question was posed to staff regarding the amount of access onto ND Highway 20. Cindy Gray, SRF Consulting Group, Inc. explained that the prior plat, recorded in 1959, gave the location of the existing highway access points. She indicated that the spacing and location of the highway access points would vary depending on whether the development was a urban or rural development. The location of the highway access points for a new plat would normally be determined based upon conversation with the State Highway Department. She stated that if, at some point in the future, the highway is widened or significantly upgraded due to higher traffic volumes, there is a possibility that NDDOT would want to consolidate the existing driveways, but that the street intersections are just replats of the existing streets that connect to ND Highway 20, and the spacing is adequate.

Chairman Hillerud opened the Public Hearing.

Julie Barron, of 8365 33<sup>rd</sup> St SE, spoke in behalf of herself and her father, asking for an explanation of the intent of the applicant, where the access roads would go, and what are the costs involved for the area west of the proposed plat. She followed with a question regarding who would be responsible for the development costs.

Duane Enzminger, applicant, said that he is considering developing the property to the west; he doesn't have a definite plan and is unsure of his property line at this time, but is willing to answer any questions.

Chairman Hillerud closed the public hearing.

Commission member Trautman made a motion to accept the findings of staff and recommend approval of the zone change from A-1 and R-1 to R-1 on the proposed Lots 1-6, Block 1 and Lots 1-4, Block 2 of Dakota Acres First Subdivision and from P-O-C and R-1 to R-1 for the proposed Lots 1-3, Block 3 of Dakota Acres First Subdivision. Seconded by Commission member Bensch. Roll Call. Unanimous vote. Motion Carried.

4. Public Hearing – Preliminary Plat:

Request for a preliminary plat of Dakota Acres First Addition, Lots 1-6, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, a replat of Lots 1-4, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, Joos' First Subdivision and an unplatted portion of the East ½ of Section 13, Township 140N, Range 64W. (3275, 3273, 3271, 3269, 3267, 3265, 3261, 3259, 3253, 3251, 3249, 3245, and 3541 Highway 20 SE, Jamestown, ND)

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report explaining application and recommending approval of the Preliminary Plat. During his staff report, Chris noted that five of the lots will still not meet the requirements for minimum lot width and/or lot size.

Chairman Hillerud opened the public hearing.

Steve Bossert of 3253 Hwy 20, asked that the Planning Commission clarify that this meeting is only for platting purposes and the extension of the existing lots. Chairman Hillerud stated that that was the case.

Jessica Tripp of 3251 Hwy 20, spoke to let the members know that she has submitted a vacation of roadway application back in 2013, and the request had been tabled and she has heard nothing since that time. She questioned if this plat will change the vacation request as the subdivision name will be changed.

Chairman Hillerud responded that the passage of this plat will not change her previous request.

Chairman Hillerud closed the public hearing.

Commission member Ritter asked if the lots that do not meet the lot size requirements for the R-1 district should be accepted. Cindy Gray, SRF Consulting Group, Inc. stressed the importance of verifying that the lots meet the size requirements, and that, although one of the lots is a fraction of an inch smaller than the 75 foot lot width requirement, the intent is apparent. She added that this should not be considered a precedent of approving lots that do not meet the district requirements. If this was a new plat with no established property line, the plat would require the lots to meet the minimum seventy-five foot lot width requirement per the zoning ordinance. Chris Clanahan, SRF Consulting Group, Inc. clarified that 5 lots of the 13 total lots (Lots 1, 2, 3 and 5 of Block 1 and Lot 1 of Block 2) do not meet the one acre size requirement of the Health Department. However, all but 1 meet the lot size requirement for the R-1 zoning district.

Duane Enzminger, stated that the size of the lots has been a problem since the State increased the size of lot needed in order to meet the requirements for individual septic systems and that it is the property owners' responsibility to buy out the neighbor's property to make their lots a one acre area.

Commission member Bayer made a motion to accept the findings of staff and approve the Preliminary Plat of Dakota Acres First Subdivision, a replat of Lots 1-4, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, Joos' First Subdivision and

an unplatted portion of the East ½ of Section 13, Township 140N, Range 64W as it meets the requirements of Section 9 of Appendix B. Seconded by Commission member Trautman. Roll Call. Unanimous aye vote. Motion Carried.

5. Public Hearing – Final Plat:

Request for a final plat of Dakota Acres First Addition, Lots 1-6, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, a replat of Lots 1-4, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, Joos' First Subdivision and an unplatted portion of the East ½ of Section 13, Township 140N, Range 64W. (3275, 3273, 3271, 3269, 3267, 3265, 3261, 3259, 3253, 3251, 3249, 3245, and 3541 Highway 20 SE, Jamestown, ND)

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the final plat.

Chairman Hillerud opened the public hearing.

Pam Feigert, 3275 Hwy 20, stated that she is in the process of purchasing an adjacent lot, and questioned if the plat needed to change.

Chairman Hillerud explained that future ownership changes are not a concern relating to this platting process at this time, as the plat includes all current ownership as required by the North Dakota Century Code.

Chairman Hillerud closed the public hearing.

Commission member Bensch made a motion to accept the findings of staff and recommend approval of the Final Plat of Dakota Acres First Subdivision, a replat of Lots 1-4, Block 1; Lots 1-4, Block 2; and Lots 1-3, Block 3, Joos' First Subdivision and an unplatted portion of the East ½ of Section 13, Township 140N, Range 64W as it meets the requirements of Section 13 of Appendix B. Seconded by Commission member Rath. Roll Call. Unanimous aye vote. Motion Carried.

6. Public Hearing – Zone Change Update:

Zone change update for the existing P-O-C (Public, Open Development and Conservation District) zoning for Lot 1, Block 1, Eventide Addition within the City of Jamestown. (1300 2<sup>nd</sup> Place NE, Jamestown, ND)

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report explaining the owner's request to revise the site plan required per Section 5.4.3 for the site to allow for a 46 unit assisted living with underground parking. The current site plan was previously approved by the City Council in April of 2013. This request is revising the previous plan and meets the requirements of the P-O-C zoning. Staff recommended approval of the zoning change update.

Chairman Hillerud opened the public hearing

Joel Traiser, 1321 2<sup>nd</sup> St SE, spoke representing himself and other neighbors. He stated that this change appears to be a bait and switch. He stated that two previously residential lots in the southeast corner of the site will become parking lots rather than open space as originally proposed. He was also concerned that no one from Eventide was present to discuss the situation and disapproved of the applicant's approach to changing the site plan.

Arv Dalke, 1313 2<sup>nd</sup> St SE, owns the property adjacent to proposed parking lot in the southeast corner, and is concerned that the owner is not communicating with the neighbors in the area as was done with the last submittal in 2013. He noted several issues of concern that have not been taken care of in over a years' time.

Don Caine, 211 Hillcrest Drive, bordering the Eventide area, is concerned about the piecemeal type of plan that is being presented. Mr. Caine stated he feels the owner needs to come with a total plan and he opposes this plan as well as the other.

Doug Thingstad, 1202 2<sup>nd</sup> St SE, lives across the street from the parking lot of Eventide and expressed his concerns with the owner's plan. He is concerned with the employees' use of parking lot and hopes the owner will do some more planning. He also noted that if the parking lot gets changed it will be more of a thoroughfare which will cause more safety issues.

Pam Musland, 208 Hillcrest Drive, expressed her concerns of the owner taking down the trees that are now used as a buffer and to consider the neighbor's concerns. She also expressed concerns about 12<sup>th</sup> Ave NE becoming an overpass in the future and the impact the proposed site plan may have.

Sharlyn Coombs, 1310 2<sup>nd</sup> St SE, was concerned about the parking lots impacting kids' safety in the neighborhood when riding bikes on the street along the south side of the property due to increased traffic. She feels like the owner is not communicating with the adjacent property owners and does not like the new plan.

Clarice Liechty, 511 8<sup>th</sup> St SW, spoke of her concern of the term 'assisted living' and lack of requirements for such a use in the zoning ordinance. She spoke of the need for an ordinance outlining the term 'assisted living'.

Cindy Gray, SRF Consulting Group, Inc. explained that the project is being developed in cooperation with a regional real estate group as outlined in Figure 8 of the staff report.

In response to a question about a proposed future property line shown on the new site plan, which appears to separate the assisted living facility from the rest of the property, Cindy Gray, SRF Consulting Group, Inc. explained that the project is being developed in cooperation with a real estate investment group as outlined in Figure 8 of the staff report. Concern had been expressed about on-site parking and the distribution of parking and on-site circulation between the assisted living and the skilled care nursing home portions of the site. Cindy also explained that the on-site parking and circulation could be shared and handled through an easement, if the applicant does follow through and propose a subdivision that places a property line through the site.

Harley Trefz, 709 17<sup>th</sup> St SE, spoke about the zoning requirements noting that they were developed so that if there are any modifications to the site plan, there must be another process of approval by the Planning Commission and City Council. Mr. Trefz spoke of the need for a timeline and feels this item should be tabled until there is more answers from the owner/developer.

Commission member Rath expressed her concerns about Eventide and their lack of communication.

Clarice Liechty asked Chairman Hillerud to read the project narrative report from architect. Chairman Hillerud read the narrative report included as Figure 8 in the staff report.

Harley Trefz, spoke that this action should have been stopped at the Planning Commission Secretary's office and shouldn't have come up as a zone change update. Chairman Hillerud suggested that the owner, or a representative of Eventide, should have been present and that the application should start the process over.

Joel Traiser, spoke of being frustrated as the public notice was vague.

Chairman Hillerud closed the public hearing.

Commission member Bensch made a motion to reject this action and recommend Eventide present their complete site plan, hold a meeting with the adjacent owners, and conform to the R-4 zoning regulations. Seconded by Commission member Trautman. Roll Call. Unanimous aye vote. Motion Carried.

Commission member Bayer left the meeting.

## 7. Senior Housing and Care Facilities Update

Chris Clanahan, SRF Consulting Group, Inc. gave a presentation explaining Senior Housing and Care facilities which included the review of proposed terminology, definitions and applicable zoning, recognition of parking requirements reduction, and an introduction of newly recommended parking standards.

Staff recommends pursuing the development of an ordinance amendment that uses the four categories and suggested regulations that have been discussed relating to the Senior Housing and Care Facilities update.

Clarice Liechty, again spoke that Jamestown does not have a definition of the requirements of 'assisted living'.

Chairman Hillerud explained that the amended ordinance would require the definition of 'assisted living' as outlined in the memorandum, which categorized Senior Housing and Care Facilities into four categories, depending on the level of care provided.

Clarice Liechty spoke of the differences of licenses of each building, rather it be assisted living or regular apartment. The City does not have any authority to investigate this matter. She is seeking clarification as to what types of services are allowed in the City of Jamestown and that there needs to be a definition of custodial care as well.

Chairman Hillerud again explained that the Planning Commission is trying to address this situation by developing the language in the amendment changes to the existing ordinance.

Jeff Fuchs, City Administrator, spoke that the council chambers will be needed at 11:00 for a special meeting. He added that the definition of custodial care has been defined by government agencies that deal with senior care.

Commission member Trautman made a motion to recommend to the City Council that an amendment to the zoning ordinance be pursued for a revision of the definitions, allowed uses, and parking requirements for senior housing developments per the recommendations of SRF Consulting Group, Inc. Commission member Rath seconded the motion. Roll Call. Unanimous aye vote. Motion carried.

Commission member Trautman made a motion to recommend to the City Council that an amendment be made to Sec 10.E.4 regarding any requests for varying the number of parking spacing be changed to the Planning Commission rather than the Board of Adjustment. Commission member Ritter second the motion. Roll Call. Unanimous aye vote. Motion Carried.

## 8. Traffic Impact Study Ordinance Update

Cindy Gray, SRF Consulting Group, Inc. explained the changes to the proposed ordinance and noted that they have yet to receive any feedback from the City attorney's office.

9. Right of Way discussion relating to the one mile extra-territorial area.

Chris Clanahan of SRF Consulting Group, Inc. explained concern over how right of way dedications are presently being handled in the extra-territorial areas, and the varying requirements between the City, County and Townships. The County's current policy does not allow the County to accept right-of-way dedication less than 150-foot in width. He presented alternatives for addressing this issue including encouraging city annexation, working with the County on subdivision regulations or private drives. Chris suggested that a policy should be made to address the width of the right of ways in the extraterritorial areas as they relate to all parties which will direct staff towards a preferred process.

Cindy Gray, SRF Consulting Group, Inc. mentioned the concern of getting more plat applications adjacent to city limits, for developments that are not asking to be annexed. If decisions are made to approve those plats and allow private streets, it can set the stage for a difficult annexation, should that be requested at a later date.

Chairman Hillerud expressed the desire for City staff, County staff and the bordering township representatives to meet to consider the development of a policy to address the right-of-way concerns. He requested that SRF obtain information from other larger growing cities in North Dakota, such as Bismarck, Fargo and Grand Forks to determine how the extra-territorial right-of-ways are being handled in each of those communities and report back to the Planning Commission. That information will be turned over to staff to facilitate the discussion.

10. Informational:

Public Hearing on the Land Use and Transportation Plan will be Monday, June 22, 2015 at 5:00 pm.

11. Commission member Bensch made a motion to adjourn. No opposition. Meeting adjourned.