

CITY OF JAMESTOWN
102 3rd Ave SE - Jamestown, ND 58401
Phone: 701-252-5900
AMENDED & APPROVED MINUTES
Planning Commission – May 13, 2019 - 8:00 a.m.

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

Absent: Paulson

Others: Steele, Liebig, Veil, Hellekson, Blackmore, Harty

1. Chairman Hillerud opened the meeting and Secretary Blackmore called the roll. Commission member Ritter made a motion to approve the minutes from the April 8, 2019 Planning Commission meeting. Seconded by Commission member Rath. Unanimous aye vote. Motion Carried.

2. Public Hearing: Final Plat – UPS Jamestown Addition

The 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.

Tim Magnusson, SRF Consulting Group, Inc. gave the staff report via video conference. The combination of these lots will allow the applicant to construct new commercial building(s) on the resulting parcel without concerns about property lines. The total area of the plat is 4.74 acres, and the site is currently zoned M-1 (Limited Industrial & Manufacturing District). The area is serviced by City of Jamestown utilities. There is a ten foot utility easement along 3rd Ave SE as required by ordinance and there are ten foot utility easements along the north and south property lines with a 20 foot easement along the west property line. No additional right of way is required with access locations to be determined during the site development process. A stormwater permit application has been submitted as required by ordinance. 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.

Commission member Trautman made a motion to accept the findings of staff and approve the final plat of UPS Jamestown Addition. Seconded by Commission member Bensch. Roll Call. Unanimous aye vote. Motion Carried.

3. Public Hearing: Land Use Amendment - Jamestown College Subdivision, Block 3, City of Jamestown, Stutsman County, North Dakota from Urban Residential High Density to Mixed-Use Commercial/Residential. The property is located at 1100 7TH ST NE. After staff review, it was decided this item is not necessary as the property is designated as Urban Residential High Density in the Future Land Use Plan which designates that development 'may be a component of mixed use projects, or include secondary retail and office uses', making the current land use consistent with the C-C zoning district and the proposed development.

Chairman Hillerud withdrew the public hearing request for the Land Use Amendment.

4. Public Hearing: Zone Change -Jamestown college subdivision, Block 3, City of Jamestown, Stutsman County, North Dakota from R-3 (General Multiple Dwelling District) to C-C (Central Core Commercial District). The property is located at 1100 7th St NE.

Tim Magnusson, SRF Consulting Group, Inc. gave the staff report via video conference. The applicant is pursuing a zone change from R-3 (General Multiple Dwelling District) to C-C (Central Core Commercial District) to construct a mixed use facility on the campus. The property is designated as Urban Residential-High Density in the Future Land

Use Plan, so the land use is consistent with the C-C (Central Core Commercial District) and the proposed development. The required number of parking spaces will be determined dependent on the type of commercial uses located on the site as well as the number of residential tenants. The property has direct access onto 7th St NE. The applicant has already applied for the required special use permit to allow parking on Block 2. The City Building, Planning & Zoning Committee has recommended approval of the permit to the City Council, approved May 6, 2019. The site is mainly by vacant land and other University facilities and is separated from any nearby uses by a substantial wooded buffer. The staff recommendation is to approve the zone change.

Chairman Hillerud opened the public hearing.

Kelly Rott, Archer Real Estate of Fargo, ND appeared with concerns of the size of and how many apartments are being planned since there is already a 20-30% vacancy in Jamestown and that this development could hurt other businesses in the area.

Blake Nybakken of EPIC Companies, zone change applicant, stated there will be residential units for University of Jamestown students consisting of mostly 2 & 3 bedroom units. Currently, there are no signed tenants for the proposed building. Blake also stated there will be 15,000 square feet of commercial building with 67 parking spaces.

Gary Webb, CEO-Creative Energy of Jamestown, ND appeared to speak concerned about what types of units will be in the proposed building and that he has heard there have been outside meetings with other parties involved. He is concerned about violating the open meetings laws. Tom Blackmore, City Building Inspector & Planning and Zoning Administrator stated that all City ordinances relating to zone changes and public hearings have been met.

Josh Heath, Fargo, ND asked how many units are being built.

Blake Nybakken of Epic Companies stated there will be 112 beds which are primarily for University students, and at this time there are no tenant agreements, and no one has been offered a space.

Kelly Rott, Archer Real Estate, Fargo, ND spoke again concerned with the number of apartments and the occupancy rate and possible burden to renters.

Polly Peterson, University of Jamestown President relayed that the University of Jamestown Board of Directors agree that the proposed commercial building will be in the best interest of students attending the University.

Chairman Hillerud and Commission member Bayer both agreed that the proposed development *thus far has met all the requirements necessary* for the requested zone change. Chairman Hillerud closed the public hearing.

Commission member Hillerud made a motion to approve the findings of staff and recommend approval to the City Council for the zone change from R-3 (General Multiple Dwelling District) to C-C (Central Core Commercial District) for Block 3, Jamestown College Subdivision. Seconded by Commission member Frye. Roll Call. Unanimous aye vote. Motion Carried.

5. Public Hearing: The Minor Subdivision, Preliminary/Final plat Berndt Second Addition, Lot 1, Block 1, a re-plat of Lots 1-7, Block 34 & Block 35 of Russell's Second Addition within the SW ¼ Section 26, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 401 14th Ave NW.

Tim Magnusson, SRF Consulting Group, Inc. gave the staff report via video conference. The applicant is requesting to re-plat Lots 1-7, Block 34 & Block 35 of Russell's Second subdivision to combine lots into a single 1.88 acre lot to construct a new commercial building. The site is zoned M-1 (Limited Industrial and Manufacturing District) and is presently vacant and is not serviced by City of Jamestown utilities. There are ten foot utility easements provided along the eastern and western property lines adjacent to 14th Ave NW and the existing alleyway. No additional right of way will be required. A stormwater management plan will be required when development for the site is presented to the City. All items have required for a minor subdivision been submitted and the application is considered complete.

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

Chairman Hillerud requested to be removed from the voting process since he has an interest in the project.

Commission member Bayer made a motion to approve the findings of staff and approve the Preliminary and Final Plat for the Berndt Second Addition to the City Council. Seconded by Commission member Rath. Roll Call. Unanimous aye vote. Motion Carried.

6. Public Hearing: The Minor Subdivision, Preliminary/Final plat Green Group Addition, Lot 1, Block 1, a re-plat of Lot 3 and the South half of Lot 4, Block 25 of Lloyd's Second Addition within the NW $\frac{1}{4}$ Section 25, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 801 2nd Ave NE.

Tim Magnusson, SRF Consulting Group, Inc. gave the staff report via video conference. The applicants are requesting a replat to combine two lots into one .24-acre lot for use in residential development. They wish to remove the existing residence and construct a new residential structure on the parcel. The site is currently zoned R-2-A (One to Twelve Family Residential District) and there are single family residences located in all directions from the proposed plat. The City of Jamestown provides utilities and there are ten foot utility easements provided. No additional right of way will be required per ordinance and traffic impacts are negligible. The City Engineer has elected to waive any requirement for a stormwater management plan for this property. All required 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.

Commission member Trautman made a motion to accept the findings of staff and approve the preliminary and final plat for Green Group Addition and forward to the City Council. Seconded by Commission member Ritter. Roll Call. Unanimous aye vote. Motion Carried.

7. Public Hearing: The Minor Subdivision, Preliminary/Final plat of Liechty Homes Second Addition, Lots 1-5, Block 1, a re-plat of Lots 4-8, Block 1 of Liechty Homes Addition, City of Jamestown, Stutsman County, North Dakota. The property is located at along 17th St SW between 4th Ave SW & 6th Ave SW.

Tim Magnusson, SRF Consulting Group, Inc. gave the staff report via video conference. The applicant is seeking to reconfigure the 5 existing lots into 4 new lots and 1 new non-conforming lot to allow for the separation of commercial and residential uses. Lots 1, 2, 4 and 5 are all developed; lot 3 is a concrete sidewalk and drain from the central part of the property. Lot 3 is very small and is contiguous to three of the lots being created, so if Lot 3 were incorporated into Lot 1, it could be split as a minor subdivision as some future date. The property is currently zoned C-1 (Local Commercial District). The proposed subdivision is serviced by City of Jamestown utilities and there are ten foot utility

easements provided along 17th St SW, 4th Ave SW and the alley located south of the property. No additional right of way is being proposed nor will be required. There are no substantial traffic impacts as the site currently has access from 17th St SW, 4th Ave SW and the alley located to the south of the property. The City Engineer has elected to waive the storm water management plan requirement.

Chairman Hillerud opened the public hearing.

Curt Liechty, president of Liechty Homes appeared stated that Lot 3 is used for maintenance access and drainage.

Curt was not aware until now that Lot 3 was substandard but will agree to combine it with Lot 1.

Chairman Hillerud closed the public hearing.

Commission member Trautman made a motion to accept the findings of staff and approve the preliminary and final plat for Liechty Homes Second Addition with the condition that Lot 3 be incorporated into Lot 1 before it goes to the City Council, thereby creating a subdivision with 4 new lots instead of 5; motion died for a lack of a second.

Jamison Veil stated that the Council prefers that all items be finalized before coming to the City Council for approval.

Commission member Ritter made a motion to accept the findings of staff and approve the preliminary plat for Liechty Homes Second Addition with the condition that the final plat will show Lot 3 being incorporated into Lot 1, thereby creating a subdivision with 4 new lots instead of 5. The motion was seconded by Commission member Bensch. Roll Call. Unanimous aye vote. Motion Carried.

8. Public Hearing: The Minor Subdivision, Preliminary/Final plat of St. John's Academy Addition, Lot 1, Block 1, being within the City of Jamestown, Midway Township, a re-plat of Block 54 of Klaus' Addition within the NW ¼ Section 36, T140N, R64W, City of Jamestown, Stutsman County, North Dakota. The property is located at 215 5th St SE.

Tim Magnusson, SRF Consulting Group, Inc. gave the staff report via video conference. The owner and applicant are requesting a replat to combine 12 lots on Block 54 of Klaus Addition so the property can be used for a proposed building addition. The property is zoned P-O-C (Public, Open Development and Conservation District) and by re-platting the lots will be combined into a single 2.07 acre lot. The area will be accessed along 4th St SE. The site is serviced by City of Jamestown utilities with ten foot utility easements provided along all right of way surrounding the property. The applicant has submitted a storm water management plan as required by ordinance. Tim explained that four building setback variances have been granted.

Chairman Hillerud requested the applicant work with the City Engineer so that the granted variances are reflected on the final plat.

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

Commission member Hillerud made a motion to accept the findings of staff and approve the preliminary plat for St. John's Academy Addition to the City Council. Seconded by Commission member Ritter. Roll Call. Unanimous aye vote. Motion Carried.

9. Chairman Hillerud asked for motion to adjourn. Motion made by Commission member Frye. Seconded by Commission member Ritter. Meeting adjourned.