

CITY OF JAMESTOWN
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MINUTES
Planning Commission – July 13, 2020 - 8:00 a.m.

Members Present: Trautman, Frye, Bayer, Bensch, Ritter, Ostlie

Absent: Hillerud, Paulson, Rath

Others:

1. Vice Chair Trautman opened the meeting. Commissioner Frye made a motion to approve the minutes from the June 8, 2020 Planning Commission meeting. Seconded by Commissioner Ritter
Unanimous aye vote. Motion carried.

2. Public Hearing: Land Use Map Amendment- Lands in Jamestown: A portion of lot 1 within the NE 1/4 of section 26, township 140 N, Range 64 W, lying and being North of a line extended from the intersection of the South boundary line of 9th St with the East boundary of said lot, consisting of 8.4 acres in Stutsman County, North (one to six family residential district).
Scott Harmstead, SRF Consulting presented the Staff Report on the Hafner Land Use Map Amendment. Scott explained that the Comp Plan Guidance Neighborhood/Commercial designation is not a perfect fit but is still the best fit for the proposed site. Scott Harmstead, SRF Consulting stated his recommendation was to move to accept the review and findings of staff and recommend approval to the City Council. The planning Commission discussed on how they would like to proceed. A motion to table the Land Use Map Amendment until later in the meeting was made by Chair Trautman and seconded by Commissioner Ritter. Roll Call Vote was taken with 6 ayes and 0 nays. Motion Carried.

3. Public Hearing: Zone Change- - Lands in Jamestown: A portion of lot 1 within the NE 1/4 of section 26, township 140 N, Range 64 W, lying and being North of a line extended from the intersection of the South boundary line of 9th St with the East boundary of said lot, consisting of 8.4 acres in Stutsman County, North (one to six family residential district).
Scott Harmstead, SRF Consulting presented the staff report. This application came with 2 zoning options. In the C-1 District alcohol sales would be prohibited but would be permitted under C-2 along with a very wide range of commercial uses. Harmstead explained the pros and cons with the zoning. Harmstead recommended that C-2 zoning should not be allowed due to the potential for intensive commercial uses that could have negative impacts on the surrounding neighborhood. Harmstead also noted that there may need to be an amend the zoning text. Harmstead reported that 34 notification letters were sent out with 1 written protest received. Harmstead summarized the protest letter that was submitted by William Steinmetz. Harmstead noted that an alternative approached could be the creation of a PUD zoning district. Harmstead recommended the denial of the zone change to C-1. Chair Trautman asked about a PUD zoning district. Harmstead explained the timeline and the process in developing a PUD zoning district. Harmstead also described a Special Use Permit.
Chair Trautman opened the Public Hearing. Dean Hafner spoke on behalf of his wife (property owner) and presented site concept diagrams to the Planning Commission. Hafner explained that it was his choice was to move forward with C-1 zoning and request a Special Use Permit from the City Council so that the City had control of the zoning. Hafner

spoke to what he presented and how the property was to be laid out. Hafner also spoke on how the building would not be located within the 100-year floodplain. Hafner also spoke on how this is a great location for a venue for special events and felt this was a good fit for the property. Hafner also indicated the use of some of the other existing buildings on the premises. The Planning Commission discussed the C-1 district with a special use permit. Scott Harmstead, SRF Consulting clarified that alcohol is not allowed for on-sale use and would be a risk for the applicant to wait for a change to the ordinance. Harmstead explained the steps involved in changing an ordinance. Dean Hafner noted that the City should be able to allow alcohol sales with the current ordinance. Chair Trautman explained that a change to the ordinance would be a long process. The Planning Commission discussed the difficulties of an ordinance text amendment.

Mitch Ostlie asked what would be allowed in a C-1 zoning district. Scott Harmstead SRF Consulting explained the C-1 zoning district and the allowed uses and uses excluded. Dean Hafner explained that Sheldon Oviate and his daughter Kyra would be the proprietors of the property. Jim Weight spoke as adjacent property owner, that he and his wife were not opposed to the proposal. Jim stated that he would like that the Special Use Permit be very specific. Weight and his wife were opposed to a C-2 Zoning District for this property. William Steinmetz explained that he felt this was a great idea yet is difficult to fit into the City's regulatory system, and he also stated that commercial zoning allows for too much leeway for different uses. Steinmetz stated that this area has been floating and would be best zoned residential. Sheldon Oviate spoke to how he was denied zoning on a different location for a similar proposal. He felt the proposed project would lend itself to many different types of uses such as weddings, family reunions, meeting place, etc.

The Commission discussed the request further. Commissioner Bayer said the property was underutilized and he understands the concerns of the neighbors. Frye discussed options to move forward, including an option for the Commission to recommend approval of the request and leave the final decision up to the City Council. Chair Trautman agreed that the location and the proposed use could be a good fit. Scott Harmstead discussed the PUD District development timeline and gave an estimate of 6 months for approval and described the complexities of creating such a district. Commissioner Ostlie stated time was of the essence but the Planning Commission needs to protect the interests of the community. Commissioner Bayer asked questions on how a PUD district works. Commissioner Ritter asked if the project would be dead if the zoning didn't move forward today.

Sheldon Oviate stated that not moving forward today did not necessarily kill the project but would delay their plans for this year and next year. Dean Hafner spoke to how ordinances have been changed in the past to make projects work. Hafner stated that the city does not have another site like this.

Chair Trautman explained the concern with allowing a C-1 district. Commissioner Bayer questioned the timeline of a PUD zoning district. William Steinmetz explained the ordinance needs to be specific to the property. Commissioner Ritter made a motion to approve change to the C-1 district. Motion died for lack of a second. Scott Harmstead stated that the Land Use Map Amendment needs to be approved first. Commissioner Frye made a motion to approve the Land Use Map Amendment, Commissioner Bayer seconded. Roll Call vote was taken 6 ayes, 0 nays. Commissioner Bayer stated that the uses developed on site will need to be limited. Commissioner Ritter made a motion to approve a zone change to C-1, Commissioner Bensch seconded. Roll Call vote was taken 5 ayes, 1 nay. Motion Carried.

Commissioner Bayer stated the need to develop a PUD district to help with special circumstances such as this. The Planning Commission recommended that staff create a PUD Zoning District for review.

4. Public Hearing: Land Use Map Amendment- Auditor's Lot 27-12 located in the Northwest Quarter section 27, township 140 North, Range 64 West of the fifth principal meridian, midway township, Stutsman County, North Dakota. The property is located at 8126 34th St SE.

Scott Harmstead, SRF Consulting presented the staff report on the ARD property for a Land Use Map Amendment and recommended approval of the Land Use Map Amendment. It was noted that the project development occurred prior to approval. Commissioner Frye stated he was not happy with a project starting before final approval was given. Blackmore stated that the property owner was a Contractor that was working on the University of Jamestown UJ Place project and needed a site to place fill. Blackmore also stated that he had spoken with Chairman Hillerud and Scott Harmstead, SRF Consulting and explained that the risk to the applicant of placing fill on the site was explained with the applicant. It was explained to the applicant that if the zone change was not approved then the property owner would need to return the site to its original condition. There was discussion on an email that was sent by the North Dakota Department of Transportation (NDDOT) regarding unpermitted work in NDDOT right of way. Trent Duda, property owner is working with the NNDOT on obtaining the correct permitting and stated that he had approval for an approach from the Stutsman County Road Department, but they learned they actually needed a permit through the NDDOT. Chair Trautman opened the Public Hearing. Chair Trautman closed the Public Hearing. Commissioner Bensch made a motion to approve the Land Use Map Amendment with a correction to be made on the Staff Report indicating NW ¼ instead of NE ¼. Seconded by Commissioner Frye. Roll Call vote was taken. 6 ayes, no ayes motion carried.

5. Public Hearing: Zone Change- Auditor's Lot 27-12 located in the Northwest Quarter section 27, township 140 North, Range 64 West of the fifth principal meridian, midway township, Stutsman County, North Dakota. The property is located at 8126 34th St SE

Scott Harmstead, SRF Consulting presented the Staff Report. Harmstead explained the planned use of the property would require a Special Use Permit and also stated that certain stipulations could be placed upon the Special Use Permit such as a requirement for site reclamation. Harmstead also pointed out that in his opinion the need for C-2 zoning designation should be evaluated at a later point in time as to its applicability along the US Highway 281 Bypass corridor. Scott Harmstead SRF Consulting recommended approval of the zone change. Commissioner Bayer questioned the onsite drainage. Chair Trautman stated the drainage along the bypass was not designed well. Blackmore stated that the property owner did submit a preliminary Stormwater Plan and upon approval of the zone change the property owner will need to meet the requirements for storm water control and submit an engineered Stormwater Plan. Commissioner Frye made a motion to approve the Zone Change. Seconded by Commissioner Ritter with an amendment to the Staff Report to NW ¼. Roll Call vote was taken. 6 ayes, 0 nays. Motion Carried.

6. Public Hearing LD Concrete Addition

Scott Harmstead, SRF Consulting presented the Staff Report. Harmstead stated that no changes were made to the Preliminary Plat. Harmstead recommended approval of the LD Concrete Addition Final Plat. Chair Trautman opened the Public Hearing. Chair Trautman Closed the Public Hearing. Chair Trautman called for discussion. There was no discussion. Commissioner Frye made a motion to approve the LD concrete Addition Final Plat. Seconded by Commissioner Bensch. Roll Call Vote was taken. 6 ayes, 0 nays. Motion carried.

7. Chair Trautman called for a motion to adjourn the meeting. Commissioner Bayer made a motion to adjourn. Commissioner Ritter Seconded. Voice vote was taken. All in favor. Meeting adjourned.