



CITY OF JAMESTOWN
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MINUTES
Planning Commission –April 8, 2024 - 8:00 a.m.

MEMBERS PRESENT: Frye, Hillerud, Ostlie, Ritter, Trautman

MEMBERS ABSENT: Bayer, Cairry, Paulson

OTHERS PRESENT: Dalugama, Blackmore, Domek, Michel, Sweeney (SRF), Mayor Heinrich, Larry Loose, Art Perleberg, CM Kamlitz, CM Steele, Administrator Hellekson, Nate Vollmuth, Brian Hanson, Marvin Frye,

1. Chairman Hillerud opened the meeting. Thushara Dalugama, City Planner, took roll call. Trautman made a motion to approve the minutes from the March 11, 2024, Planning Commission meeting. Seconded by Ritter. Roll call. 5 ayes, 0 nays, 3 absent. Motion carried.
2. **Public Hearing:** The Minor Subdivision, Preliminary/Final Plat of Lindberg Second Addition, Replat of Lot 1, Block 2 of Lindberg Addition, Within SE1/4 of Section 26, T140N, R64W, City of Jamestown, North Dakota. The property is located at 429 2nd St SW, Jamestown, North Dakota.

Sweeney, SRF, gave the staff report for this minor subdivision. The applicant, CVA, Inc. has applied for a minor subdivision in order to replat Lot 1, Block 2 of Lindberg Addition. This area contains about .56 acres. The northern portion of this property contains the Lindberg building, which includes commercial office space and parking spaces. The southern portion of the property consists of open space, which is directly adjacent to townhomes. The proposed minor subdivision would vacate Lot 1, Block 2 of Lindberg Addition and create Lindberg Second Addition, consisting of Lot 1 (Lindberg building) and Lot 2 (open space). Lot 1 would be .41 acres with Lot 2 being .15 acres for a total of .56 acres.

The intention of the subdivision is to transfer ownership and maintenance responsibilities of Lot 2 to the townhome community, and they may also facilitate the sale of Lot 1.

The current zoning is C-1, Local Commercial District. It was rezoned from R-3, General Multiple Dwelling District, in 2013 to repurpose the existing commercial building for office space. The existing commercial building on the property does not conform to the front-yard setback requirements, but a setback variance was granted along with the rezoning in 2013. The setback variance would continue to run with the property if ownership transfers or the property is redeveloped.

The maximum lot coverage in a C-1 District is forty (40) percent, but this only applies to residential buildings and hotels or motels, so the existing building is exempt. Sweeney did want to note that the current building's footprint would still occupy less than 40 percent of Lot 1 if the subdivision is approved, but the lot coverage requirement may impact future use of the site.

The plat shows a dedicated 10' wide utility easement along 3rd Street SW, within the front-yard of Lot 2. To gain access to this property, Lot 1 would need to use Lindwood Drive via the existing access easement. The south end of Lot 2 has legal access from 3rd Street SW but there's no vehicular access. The applicant and the homeowner association would have to work something out should the explore the possibility of shared parking or access agreements.

The suggested motion would be to accept the findings of staff and recommend approval of the minor subdivision as presented for Lindberg Second Addition, located within the SE ¼ of Section 26, T140N, R64W of the City of Jamestown, North Dakota.

Chairman Hillerud opened the public hearing. There was no one present for the public hearing. Hillerud closed the public hearing. There were no further discussion or questions.

Frye made a motion to approve the subdivision. Seconded by Ritter. No further discussion. 5 ayes, 0 nays, 3 absent. Motion carried.

- 3. PUBLIC HEARING:** Zone Change- Lots 7 & 8 of Lubeck's First Addition, City of Jamestown, North Dakota from C-1 (Local Commercial District) to C-2 (General Commercial District). The property is located at 1516 Business Loop E, Jamestown, North Dakota.

Sweeney, SRF, gave the staff report for the proposed zone change. The reason for the zone change request was to conform with adjacent properties zoning districts. The applicant is requesting to rezone the property from C-1, Local Commercial District, to C-2, General Commercial District. If approved, the zoning for Lots 7-8 would match the zoning for the adjacent properties. The applicant has also applied for a Special Use Permit for Lots 5-6, which are directly adjacent to the property. The permit application will be discussed in a separate staff report. This property is directly north of the James River and is impacted by the floodplain.

Back in 2021, the applicant was approved for rezoning from a C-1 to C-2 for Lots 5, 6, 10 and 11. This rezoning was to improve land use-zoning consistency and for the construction of an auto repair shop on Lots 10-11. As part of this application, City staff considered rezoning Lots 7-8 to C-2 but opted to retain these lots in the C-1 District to keep the home on the property from becoming nonconforming use. The applicant also applied for a Special Use Permit for Lots 5-6 in 2021 but was denied by the City Council.

The owner understands that the home on the property would become nonconforming if the rezoning were to be approved. This will make it entitled to exist, but no major improvements or expansions would be permitted.

Dalugama, City Planner, had sent a Notice of the proposed zone change to all property owners within 150' of the subject property, which would be four (4) property owners. As of April 1, 2024, there have been no protest of this zone change.

The City of Jamestown is in the process of updating its FEMA Flood Insurance Rate Map (FIRM). The unadopted, preliminary flood map changes would impact this property. If adopted, a greater percentage of the property would be within the 100-year floodplain. The proposed changes to the FIRM will not affect the existing dwelling. Sweeney showed the existing as well as the unadopted images of the flood maps. Any proposed expansion on this property will be carefully evaluated for potential impacts within the floodplain.

Sweeney stated that their analysis is that this proposed zone change is compatible with the adjacent zoning districts. C-2 zoning is also consistent with the Future Land Use Map. The City considered rezoning the subject property to C-2 in 2021 but decided against it to avoid creating a nonconforming use. In the long run, the Zoning Amendment could potentially encourage a transition to a more compatible land use arrangement.

The recommended and suggested motion is to accept the findings of staff and approve the zone change.

**Chairman Hillerud opened the public hearing. Nate Vollmuth, Goldmark Development, out of Fargo, ND, spoke on behalf of the property owner, Brian Hanson. Vollmuth stated that the reason for the zone change is to make improvements on the property, such as new buildings. Trautman wanted clarifications on if Hanson has intentions on improving the lots or not. Vollmuth replied that applying for the zone change was the first step. There have not been any plans sent to the City at this time. If the zone change is approved today, it gives more options for the project. Vollmuth and Hanson will work together to submit all plans to the city once final. Hillerud closed the public hearing. There were no other questions or comments.

Ritter made a motion to approve the zone change to C-2. Seconded by Frye. There were no other comments or discussion. 5 ayes, 0 nays, 3 absent. Motion carried.

4. PUBLIC HEARING: Special Use Permit. The property is located at 1516 Business Loop East, Jamestown, North Dakota.

Sweeney, SRF, gave the staff report. The purpose is to upgrade the property to become conforming with city standards. Lots 5-6 were rezoned from C-1 to C-2 in 2021. The main issue with this area is how is it to be classified, a junk yard or not a junk yard? If considered a junkyard, they are not permitted in C-2 Zoning. The current use was established after the Ordinance adoption and is illegal as it was never permitted. Brian Hanson, owner of the property, states that he does not consider this to be a junk yard but an impound lot. Since denied the Special Use Permit in 2021, Hanson states he has been trying to make improvements, such as removing vehicles from the area.

The proposed site plan, applicant would like to install an 8' tall opaque fence around the full perimeter of Lots 5-6, install landscaping to the exterior three (3) sides of the fence. He would also like to construct a shop for vehicle storage and repairs. Hanson also would like to elevate the site and apply for a letter of Map Revision (LOMR) from the updated flood map, when adopted. Sweeney pulled up proposed site plan images for the Commission members to view.

Sweeney stated that there could be some potential courses of action:

1. If this area is not considered a "junkyard" (Approve). SRF Consulting recommends approval of the SUP, pending established conditions.
2. If this is considered a junkyard (Approve). SRF would want the Planning Commission to consider rezoning to M-2 District if worried about legitimizing illegal use. The SUP is still required, and the Future Land Use Map would have to be amended.
3. Maintain the status quo (Deny). Let the activity exist with minimal abatement and no bidding conditions.
4. Enforce the code (Deny). Require all vehicle storage and related activity to cease.

Staff recommendation would be to approve the special use permit then decide to rezone the lots to M-2. Potentially recommended conditions if the SUP is approved today,

1. All construction is consistent with the submitted renderings. The applicant submits a detailed site plan that specifies exactly what is proposed.
2. The applicant obtains the LOMR from the revised floodplain, when adopted. The proposed shop is constructed above the base flood elevation. Development complies with all-applicable floodplain regulations.
3. Construction commences in a timely manner. (Dates TBD by Planning Commission)
4. The fence fully obscures all vehicles on site. No stacking of vehicles above the fence.

Sweeney believes that what has been proposed sounds like some pretty significant changes and a significant investment as far as getting the LOMR and landscaping, fencing, etc. As long as the owner is aware of what is involved and are able to fulfill that then there shouldn't be any issue to approve the SUP.

Sweeney also brought up a few more optional conditions the Planning Commission could add to the above list.

1. Require ongoing maintenance of established vegetation.
2. Require access for periodic inspections, following completion of construction and then every 3 years.
3. Rezone to M-2. This would not be a condition needed to be added to the SUP.

Sweeney stated that SRF recommended approval of the Special Use Permit back in 2021, when it was denied, but they are still recommending approval provided that the conditions are included, and that the applicant is able to meet those conditions.

Chairman Hillerud asked Sweeney if Hanson needs a SUP no matter the zoning. Sweeney stated that junkyards do need an SUP no matter the zoning. Hillerud also asked if there is another term for junkyard and if impound is a thing in the code. Sweeney said the definition isn't something listed in the code but if they are wanting to go with what is listed in the code, it would be junkyard or salvage lot only. In 2021, they wanted to be fair and recognize what was there and give the applicant a chance to make improvements and establish conditions for the city, so they tried to look at different definitions such as impound lot. As long as there isn't crushing or dismantling of vehicles and if vehicles are only stored there for a temporary basis, maybe it could be considered something other than a junkyard or salvage yard, but it is not formally defined in the code.

Hillerud asked what the procedure is for when a vehicle is impounded and how long it is held before the owner must move it or before Hanson gets the title and he can move it. Why are the vehicles being held there so long and what is the procedure? Brian Hanson, applicant and owner of property, wanted to speak about his intentions with the property and what the procedure is when he impounds a vehicle. Hanson states when he does impounds, he brings them down to his lot. He doesn't want these vehicles stored on his lot on 10th St SE, so he moves them to his lot on Business Loop East. Following an accident or rollover, the vehicles must be moved somewhere until the insurance company comes to pick them up. Once the vehicles get released from insurance, Hanson has the vehicles moved to West End Hide and Fur or puts them out for auction. He states he has no intention of having a junkyard and that it's a storage facility until the vehicles can be titled and disposed of. Hanson says he cannot haul them away and sell them for scrap until he get a title in hand which can be a long process in some cases with insurance. Hanson states he has about 10-15 cars that are awaiting parts such as engines or transmissions. Once, these parts are received and the vehicles are repaired, they will be moved off the lot and up for sale. Hanson stressed to the Commission members that he has no intentions of having or ever having a junkyard. Hanson states that the plan would be to move his entire operation, including office, repair building and sales lot from 10th St SE to the Business Loop East location. If both the zone change and the SUP are approved today, he will begin the process of this new plan.

Hillerud asked Sweeney if Hanson needs an SUP no matter the zoning, then why wouldn't they just zone it an M-2 instead of C-2 if they are agreeing to classify the property a junk yard? Sweeney said they certainly could zone it an M-2 but to keep in mind that zoning it M-2 would also open doors for other industrial uses in this area.

Trautman asked if special use permits can be rescinded? Sweeney stated that yes, they can pull the permit at a later date if the property owner does not comply with the conditions granted.

Hillerud wanted more clarity on the LOMR and floodplain revision process the city is currently working on with FEMA. Tom Blackmore, Zoning & Flood Plain Administrator, stated that LOMR is a FEMA term meaning 'Letter Of Map Revision'. He also stated that there is a whole process the applicant would have to get a registered engineer to design the site to get it above base-flood elevation, most likely at least one-foot above base-flood elevation. The same would go with the building if it's also in the 100-year floodplain. Blackmore said the City does not have the actual firm maps with the actual elevation. FEMA is about 60-70 percent through the process of getting the new maps in place. Blackmore believes that by the end of the year or early 2025 the new maps should be adopted and in place within the City of Jamestown Ordinances.

Chairman Hillerud opened the public hearing. Dwaine Heinrich, resident of Jamestown, ND, had a couple statements. Heinrich pointed out that he has been an insurance adjuster for many years and that it's not uncommon or unusual to see a vehicle held in an impound lot for an extended amount of time and also that if a vehicle has been in an accident, it does not mean that the ownership is then transferred to the insurance company, the ownership stays with the owner of the vehicle. There are several issues or reasons why a vehicle could be held in an impound lot for an extended amount of time.

He also wanted clarifications on the approval conditions for the SUP. If approved today, would they issue the SUP BEFORE receiving detailed plans for AFTER receiving detailed plans and all of what it entails? Heinrich also wanted to point out the comment made regarding Hanson attempting to remove vehicles from the floodplain since 2021. Heinrich thinks this seems a bit odd and wants to know if the vehicles have been removed, when will they be removed and if not, why have they not been removed?

Nate Vollmuth, Goldmark, wanted to show the future floodplain map on his slideshow. He showed some visuals and drawings of what the future development would look like. Vollmuth agrees that him and Hanson would be fine with changing to an M-2 zoning with stricter guidelines and what they want or do not want stored on this property.

Trautman stated that she would be fine changing the zoning to an M-2 but she's not fine with approving the special use permit without some very well-defined conditions. This area does not look like how they were told it would look when this came before the Planning Commission in 2021. The area doesn't improve the entrance into the City at all. Sweeney pulled up the list of recommended conditions and optional conditions for the members to review once more.

Ritter wanted any clarification on any discussed timelines for this project to take place. Blackmore stated that it's his understanding that if approved, the applicant plans to move quickly. Vollmuth agreed that they would move as soon as able and that he would be fine with having a timeline established.

David Steele, a Jamestown, ND resident, suggested that the #4 condition listed be changed from “no stacking of vehicles above the fence” be changed to “no stacking of vehicles.” If any stacking of vehicles is allowed, this would be considered a junkyard.

Chairman Hillerud closed the public hearing. Hillerud made a motion to approve and accept the findings of staff and recommend approval of the special use permit with conditions as determined with the change of ‘the stacking of vehicles is prohibited’ and with a timeline of 12 months to move forward with this development.

Seconded by Ritter. Roll call. 5 ayes, 0 nays, 3 absent. Motion carried.

- 5. PUBLIC HEARING:** Land Use Amendment- Block 1, Lots 1-8 of Ratunil Acres, City of Jamestown, Stutsman County, North Dakota from Agriculture to Agriculture/Rural Open Space. This property does not currently have a street address.

Sweeney, SRF, presented the staff report. This area is unaddressed on 33rd St SE. The applicant is requesting the amendment in order to align the property with surrounding commercial zones/development and allow the property to be rezoned to C-2.

There has been development interest in this property. There hasn’t been anything formally submitted but a few things have been proposed, such as a construction company, office/shop for a construction company, and shop condos. Sweeney stated that this property is appropriate for commercial development with more opportunity to expand to the west as well.

The staff recommendation would be to accept the findings of staff and recommend approval of the land use plan amendment for Lots 1-8, Block 1 of Ratunil Acres, located within the extraterritorial area of the City of Jamestown, Stutsman County, North Dakota.

Trautman asked if the landowner has gotten approval from Stutsman County for direct access to 33rd St SE as this road is County owned. Trautman pulled up the County policy dated from 1998 that states, “Direct access to county roads is discouraged. Any multiple dwelling subdivision platted after the adoption of this policy require a frontage road.”

Tyler Michel, Public Works Director, mentioned that this land was platted in the 70’s and the County road policy wasn’t adopted until the 90’s so it would be up to the County to determine how they’d like to handle the roadways on 33rd St SE as this would be prior to the road adoption policy.

Chairman Hillerud opened the public hearing. Marvin Frye, a representative of the Stutsman County Board, wanted to express his concerns regarding extra water being held in this area once more paved roads are built and how some of their roads and culverts have been washed away by the Stutsman County Fairgrounds from previous development in the area.

Frye wanted to know if this is approved today, if there could be a condition regarding the water retention being gushed or pushed through this area or if there was a meeting to be held on this later.

Michel replied that there is no public hearing for a stormwater management plan. He explained the process of how the stormwater plan is submitted and approved or denied.

Hillerud closed the public hearing.

Chairman Hillerud doesn’t see any issues with these plans and so he made a motion to accept the findings of staff and approve the future land use amendment as presented. Seconded by Ostlie. No further discussion. Roll call. 5 ayes, 0 nays, 3 absent. Motion carried.

- 6. PUBLIC HEARING:** Zone Change- Block 1, Lots 1-8 of Ratunil Acres, City of Jamestown, North Dakota from R-1-A (One Family Residential and Duplex or Two-Family Residential District) to C-2 (General Commercial District). This property does not currently have a street address.

Sweeney, SRF, presented the staff report for the zone change. The applicant has originally applied to be rezoned as a C-1 District, but staff looked at it and thought a C-2 zoning would be more appropriate given the property’s location and development type. The applicant was fine with the changes suggested.

Short-term recommendations for this area would be to consolidate lots 1-8 to expand opportunities for commercial development, ensure future commercial fronts on 33rd St SE and support consolidated property access from 33rd St SE.

Longer-term recommendations would be to consider a replat/modified land use plan for the remainder of Ratinul Acres Subdivision. Sweeney explained a few options to explore for later down the road such as, exploring opportunities for additional commercial development on 33rd St SE, plan for transitions between commercial and residential developments and vacating open space to expand development opportunity.

The staff recommendation is to accept the findings of staff and recommend approval of the rezoning request for Lots 1-8, Block 1 of Ratinul Acres, located within the extraterritorial area of the City of Jamestown, Stutsman County, North Dakota.

Chairman Hillerud opened the public hearing. No one was present for the hearing. Hillerud closed the public hearing. Trautman agreed with Hillerud that for future zone changes, the commission in the past has had issues with how they have differing zoning next to each other.

Ritter made a motion to approve the zone change as presented by staff. Seconded by Frye. No further discussion. Roll call. 5 ayes, 0 nays, 3 absent. Motion carried.

7. PUBLIC HEARING: Lot Combination- Lots 5 through 8 and North Half of Lot 9, Block 23 of McGinnis' Second Addition, Jamestown, North Dakota. The property is located at 211 & 215 6th Ave SE, Jamestown, North Dakota.

Dalugama, City Planner, presented the staff report for the lot combination. The applicant would like to construct a detached garage on the property. There is no need for a zone change and no additional right-of-way is needed for this lot combination.

The checklist is considered complete and received for this lot combination.

The suggested motion is to accept the findings of staff and approve the lot combination as presented.

Hillerud asked if there was a limit on how many accessory buildings one can have on a lot in the city as there are already a couple garages on this property? Blackmore stated there is not a limit.

Hillerud opened the public hearing. There was no one present for the hearing. Hillerud closed the public hearing.

Frye made a motion to approve the lot combination as presented. Seconded by Ostlie. There was no further discussion. Roll call. 5 ayes, 0 nays, 3 absent. Motion carried.

Before adjournment, Chairman Hillerud brought up a couple meetings coming up that he wanted to remind the public of, April 9th, at 6⁰⁰ PM, there is a public hearing on the proposal for the renaissance zoning plan at City Hall. They have increased the number of blocks that can be in the renaissance zone. Public input is requested by the committee.

There is another public input meeting on Thursday, April 18th, from 5:30-7:30 at City Hall regarding reconstruction of West Business Loop/US-52. There will be staff present from SRF Consulting and the NDDOT to answer questions from the public as well as show a brief presentation of four (4) different options for the reconstruction.

8. Chairman Hillerud called for a motion to adjourn. Ritter made a motion. Seconded by Frye. All in favor. Meeting adjourned.