

CITY OF JAMESTOWN
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DRAFT MINUTES – SPECIAL Planning Commission
JULY 29, 2015 - 8:00 a.m.

Present: Hillerud, Rath, Frye, Trautman, Bensch, Ritter, Rhinehart

Others Present: Buchanan, Kourajian, Klundt, Wollan, Schwartzkopf, Fuchs, Liebig, Dooley, Wiles, Harty

Absent: Bayer

1. Chairman Hillerud called the special Planning Meeting to order. Secretary Wollan took the roll.

2. Public Hearing: Preliminary Plat Request

The preliminary plat of Marjo Second Addition, a replat of Block 4, Marjo First Addition and an unplatted parcel in the NW ¼ of Section 30, Township 140 North, Range 63 West, being within the City of Jamestown, Stutsman County, North Dakota. *Property Address: 1902 & 2202 13th Street NE and 1509 10th Street NE – Jamestown, ND*

Cindy Gray, SRF Consulting Group, gave the staff report. She explained that there has been a lot of communication with the applicant, engineering company, City staff, etc. relating to this plat. The plat application is continued from the July 13, 2015 hearing. Cindy reviewed the lot sizes, zoning, and utilities that are relative to the new plat. Roadways, access, vacations and easements were explained. The clarification of the 25' ROW along 13th St NE has been noted on the plat.

Discussion among members revolved around the changes that had been made to the plat from the prior submittal, which included the addition of 10' utility easements along the east, west and south edges of the property, changes to the widths of the roadway right-of-ways, as well as concern raised about the proper ownership designation of ROW's.

Cindy Gray, SRF Consulting Group related that a title opinion was received for Lot 2 since the plat had been previously submitted. A title opinion has also been received for Lot 1. Chairman Hillerud addressed a question presented in a correspondence received this morning. The question was whether or not the applicant that signed the application was the actual owner of the property. Cindy Gray responded that the applicant should be the owner or a representative of the owner.

Commission member Frye asked about the 35' bike easement that was indicated as being vacated on the plat. Cindy Gray stated that originally it was the intent of the Park Board to construct a park, but now there is no longer that intent, however the 66' area could accommodate some type of bike path at a later time.

City Engineer Schwartzkopf stated that he met with School board and that they are concerned about flow of traffic between the school and the new Two Rivers Activity Center.

Commission member Frye indicated confusion of the arrows and the easements and wants to understand the intent of the drawing. His question was whether or not a 10' wide utility easement was being provided along the south side of the Lot 2.

Daren Peterka, Interstate Engineering, Inc. explained that the intent of the document was that there wouldn't be a utility easement along the south side of Lot 2 and that the legend on the plat should be used to define which streets and easements were to be vacated.

Regarding the question of ownership of the property, Phil Culler, owner of the property being re-platted related that he is a managing partner in the ownership of this property and has moved into an LLC for financing purposes.

Commission member Ritter asked if there had been any stormwater management considerations addressed in this area. As indicated in the staff report and confirmed by City Engineer Schwartzkopf the stormwater management materials had been submitted and reviewed by the City Engineer and that the developer is responsible for detaining the water.

Chairman Hillerud opened the public hearing.

Clarice Liechty, spoke about the ownership of the property in question, and asked that the Planning Commission verify ownership of the plat. She stated that Mr. Culler drained water onto her property in the SW and spoke of other drainage issues. Clarice requested the plat be tabled until all the issues and questions have been clearly answered.

Chairman Hillerud closed the public hearing.

Clarice Liechty spoke again of the value of a Planning Commission and what they are responsible for, and that plats should not be approved with contingencies.

Commission member Frye expressed his concern about approving plats with contingencies. Cindy Gray, SRF Consulting Group, related that she is comfortable with the contingencies.

Chairman Hillerud stated that the Planning Commission can approve plats with contingencies, but as a matter of policy, had to decide if that is a practice that they want to take part of.

Jeff Fuchs, City Administrator, related that the owner has to sign the plat along with other officials, and that other clarifications can be corrected before approval. City Council can approve a plat without Planning Commission approval per City Ordinance if the Planning Commission doesn't act on the plat in a timely manner. City Administrator Fuchs related that most technicalities can be taken care of by staff.

Mr. Culler apologized for the discrepancies that occurred and that he has three developments in progress within the City and that is why there are different companies listed but ownerships have been clarified for financing reasons.

Commission member Hillerud made a motion to accept the findings of staff and approve the preliminary plat of Marjo Second Addition, a replat of Block 4, Marjo First Addition and an unplatted parcel in the NW ¼ of Section 30, Township 140 North, Range 63 West, being within the City of Jamestown, Stutsman County, North Dakota., as it meets the requirements of Section 9 of Appendix B, subject to providing an update of ownership clarification. Seconded by Ritter. Roll Call. Six aye votes. One nay vote. (Frye). Motion Carried.

3. Public Hearing: Final Plat Request

The final plat of Marjo Second Addition, a replat of Block 4, Marjo First Addition and an unplatted parcel in the NW ¼ of Section 30, Township 140 North, Range 63 West, being within the City of Jamestown, Stutsman County, North Dakota. *Property Address: 1902 & 2202 13th Street NE and 1509 10th Street NE – Jamestown, ND*

Cindy Gray, SRF Consulting Group gave the staff report.

Chairman Hillerud opened the public hearing, no one appeared. Chair Hillerud closed the public hearing.

Commission member Frye made a motion to accept the findings of staff and approve the preliminary plat of Marjo Second Addition, a replat of Block 4, Marjo First Addition and an unplatted parcel in the NW ¼ of Section 30, Township 140 North, Range 63 West, being within the City of Jamestown, Stutsman County, North Dakota., as it meets the requirements of Section 9 of Appendix B, subject to providing an update of ownership clarification. Seconded by Rhinehart. Roll Call. Unanimous aye vote. Motion Carried.

Commission member Bensch made a motion that the Planning Commission should not address the preliminary and the final plat at the same meeting in the future. Commission member Rath seconded. After discussion, Secretary Wollan took the Roll Call. Unanimous aye vote. Motion Carried.

Commission member Frye re-iterated the fact that we are asking for trouble by not having all questions and contingencies answered before approving final plats.

Cindy Gray, SRF Consulting Group, spoke about ownership issues and financing matters. Plat application requirements include title opinions which would clarify the ownership concerns. Commission member Frye again stated his concern that making exceptions can cause problems down the road.

City Engineer Schwartzkopf recommended that the Planning Commission not act on the above motion before more discussion on preliminary platting procedures and final plat procedures be discussed. Schwartzkopf suggested the motion be tabled as it could prove to be counterproductive at this time due to the fact that there are some gray areas in the ordinance.

Chairman Hillerud stated that he wasn't in agreement with the City Engineer's stance, and that he didn't think feel that addressing the preliminary and flat plats in separate meetings and that he feels that the applicant and the design firm have an obligation to bring a document before the Planning Commission that meets the ordinance requirements. Commission member Frye stated that if there are gray areas in the ordinances, the ordinances should be reviewed with Commission member Rath agreeing. Cindy Gray stated that it is good to have flexibility in the ordinance, as grey areas need to be deferred to in certain applications. Commission member Frye commented that he felt it is good to step back and review the ordinances.

Beth Dooley, Engineering Tech, spoke of her past experience of working in Engineering offices and being responsible for researching items for plats and the due diligence that is required of all parties involved and now seeing how it relates to her new position as part of the City Staff.

Commission member Trautman commented that she would like it noted in the minutes that when the Mayor requests the Planning Commission hold a special meeting that the Mayor should be in attendance.

4. Chairman Hillerud requested a motion to adjourn. Commission member Bensch made a motion to adjourn. Seconded by Ritter. Meeting adjourned.