

CITY OF JAMESTOWN
102 3rd Ave SE - Jamestown, ND 58401
Phone: 701-252-5900
MINUTES - Planning Commission - March 13, 2017 - 8:00 a.m.

Members Present: Hillerud, Ritter, Frye, Bensch, Trautman, Paulson

Others: Fuchs, Klundt, Blackmore, Liebig, Veil, Harty

Members Absent: Bayer, Rath, Rhinehart

1. Chairman Hillerud called the meeting to order. Commission member Trautman made a motion to approve the minutes from the February 13, 2017 Planning Commission meeting. Commission member Ritter seconded. Motion Carried.

2. Public Hearing: Final Plat – R.H. Rebel Addition

The final plat of R.H. Rebel Addition, Lots 1 through 5, Block 1, a replat of Lots 4, 5 and 7, Block 2 of First Northwest Addition; Lots 1, 4 and 5, Block 2 of Fourth Northwest Addition and Block 3 of Fourth Northwest Addition, City of Jamestown, Stutsman County, North Dakota. The property is located at 1618 Hwy 281 North, Jamestown, ND.

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the final plat contingent upon the inclusion of the missing property owner signature block. He explained the plat's layout, the existing zoning, and that the intent for the plat to merge existing lots encouraging commercial development. The area is not serviced by city services, however, 20' utility easements have been provided along all street public right-of-way. Both points of access and emergency access were explained and considered adequate.

Chairman Hillerud opened the public hearing.

Dean Tracy, adjacent property owner and owner of property on both sides of 18th Street NW, is opposed to the plat's intent on using 18th Street NW as an access point. He noted his plans to vacate this right-of-way in the future, that there are other routes to access the plat's property, and he does not want any more traffic near his properties. Scott Harmstead, SRF Consulting Group, Inc., explained that to his knowledge, 10th Ave NW adjacent owners have given consent to the vacation of the road and the use access from 18th Street NW.

Steve Senger, Evergreen Properties, Inc., property owner of Lots 1 & 2, Block 2 and Lots 3-5 & Lots 9-12, Block 1, Fourth Northwest Addition, mentioned that he has not given any consent relating to access in this area, and was only contacted about this plat recently. There was some miscommunication between the applicant's agent and other property owner.

Darin Peterka, Interstate Engineering, Inc. agent for the applicant said that he had met with Dean Tracy & Steve Senger some time ago regarding this plat.

Chairman Hillerud explained 18th Street NW is already dedicated city right-of-way and that any intention or proposal for its vacation should have occurred prior to the current proposed plat. He also noted that the plat should not move forward until all property owners within the proposed plat's boundary consent to the vacation of 10th Avenue NW along with the discussed access from 18th Street NW.

Chairman Hillerud closed the public hearing.

A motion was made by Commission member Paulson to table the R.H. Rebel Addition final plat. Seconded by Commission member Bensch. Unanimous aye vote. Motion Carried.

3. Public Hearing: Land Use Amendment

Lands in Jamestown, a portion of Lot 1 within the NE ¼ of Section 26, Township 140N, Range 64W, lying and being north of a line extended from the intersection of the south boundary line of 9th Street with the east boundary line of said lot westward to the middle of the James River at right angles with the east boundary line of said lot, consisting of 8.4 acres in Stutsman County, North Dakota. The property is located at 901 4th Ave NW.

The property previously described is designated as Park/Open Space/Recreation in the adopted Future Land Use Plan, and a request has been made by the property owner(s) for an amendment to Low Density Residential.

Scott Harmstead, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the land use amendment. This area was formerly a bible camp, and was sold by the County in 2007. Scott explained the current land use designation for the area is park/open space. The Land Use Amendment will change this area to the same designation as the adjacent property low density residential. Scott presented the current flood zone map and explained that a letter from USACE will be needed prior to development. He noted that 25% of the adjacent land owners have submitted protest letters against the proposed zone change. This will require a ¾ majority vote at City Council for the proposed zone change, but does not affect the proposed land use amendment directly. Mr. Harmstead also identified the benefits for housing development as outlined in the LUTP, which included the need for more housing, particularly affordable housing.

Chairman Hillerud opened the public hearing.

Dean Hafner, applicant and owner of the property, spoke to clarify that the USACE and the ND State Water Board have no jurisdiction of this area. Mr. Hafner was told that since the river banks are not being changed, any structure built one (1) foot above grade is acceptable.

Dan Aasmundstad, 1012 8th Ave NW, adjacent property owner spoke that he purchased this property because of the privacy this area provided. He also explained the abundance of wildlife that is there would be interrupted and that there is also a rare type of wildlife in the area. He expressed concerns that building in this area is undesirable, and hoped that the applicant would build elsewhere.

Larry Reidel, 616 9th St NW, spoke that he is concerned about water tables in the area and when the area gets disturbed, due to the presence of new buildings, there could be water coming onto his property. He is concerned with drainage issues.

Laurie Staab, 900 7th Ave NW, agrees with the former owners who spoke and is concerned with aesthetics and values of her property.

Ray Mering, 1116 8th Ave NW, spoke that his residence has been owned by his family for over 50 year and he believes it was purchased because of the park type property that is adjacent.

Nadine Readell, 616 9th St NW, feels that a COE study needs to be done before any decisions are made.

Chairman Hillerud closed the public hearing. Chairman Hillerud appreciates the concerns of the adjacent owners, but feels the camp is currently not kept in a good state due to inactivity and this development would improve the area.

Scott Harmstead, of SRF Consulting Group, Inc. explained how to change the 2011 flood zone map that was shown. A letter of map revision would need to be done by the owner/applicant and require an engineering study to the satisfaction of the COE. This letter should state that there would be no negative impact on adjacent properties.

Commission member Trautman confirmed that property owners can build in the flood plain as long as nothing is changing in the banks. She also stated that the property is now privately owned and will not stay the same as when it was owned by the city.

Discussion among the public audience continued. City Administrator Fuchs stated that the public needs to address the Planning Commission from the podium.

Chairman Hillerud asked the applicant for a letter from the CoE and the State Water Board stating their views on this development. Commission member Paulson agreed and stated he thought the CoE should be involved in this project.

Chairman Hillerud made a motion to table the request for the Land Use Amendment and for the Zone Change request relating to 901 4th Ave NW, until a letter of confirmation from CoE is received. Commission member Trautman seconded the motion. Unanimous aye vote. Motion Carried.

4. Public Hearing: Land Use Amendment

A portion of the NW ¼ and NE ¼ of Section 3, T139N, R64W of the Fifth Principal Meridian, being within the City of Jamestown, Stutsman County, North Dakota. The subject property consists of 132.96 acres. The property is located along the 2600 Block of 20th St SW.

The property previously described is designated as Business Park/Light Industrial, Park/Open Space/Recreation, Low Density Residential, Medium Density Residential, Civic/Institutional, and Commercial in the adopted Future Land Use Plan, and a request has been made by the property owner(s) for an amendment to Commercial.

City Administrator Fuchs explained the Anne Carlson addition located within this Land Use Amendment, had a developer's agreement and they are requesting annexation along with this site.

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the land use amendment. The land use amendment proposed change is to allow for commercial development in the area. Chris explained that the Land Use & Transportation Plan did have a conceptual roadways including an overpass over I-94 for this site which the applicant is aware of.

Chairman Hillerud opened the public hearing.

Bart Davis, representing Grace Episcopal Church and adjacent land owner, spoke of his concern about how the Planning Commission is addressing the storm water management plan. Chairman Hillerud explained that any amendment to the proposed use will be reviewed by the engineering staff. The Master Storm water plan is not cast in stone, but is based on projections, etc. Mr. Davis is concerned that as development happens, how will regional basins be impacted? Will the guidance of these studies be followed by the developers?

Scott Harmstead, SRF Consulting Group, Inc., explained part of the subdivision process is to look at all the studies that have been done. Large regional basins will be implemented as part of the stormwater master plan.

Harley Trefz, 709 17th St SE, stated that the storm water management plan needs to be thorough, and that annexation would not have required this to be commercial. Residential zoned areas drain differently than commercial areas. There needs to be a simple connection between the LUTP and storm water management plan. Perhaps the area does not all need to be changed to commercial.

Commission member Hillerud asked the City Administrator for an update on this area. Mr. Fuchs relayed that there is no timeline for regional basins at this time since specific development plans are unknown. The zone change will not affect anything until the area is developed. Since there are no current plans for development, there will likely be deferred special assessments until such time, and if there is any development, they will have to put in their own basins. Any development project would have the ability to be expanded into a regional basin.

Chairman Hillerud closed the public hearing.

Commission member Frye made a motion to accept the findings of staff and recommend approval of the land use plan amendment from Business Park/Light Industrial, Park/Open Space/Recreation, Low Density Residential, Medium Density Residential, Civic/Institutional, and Commercial to Commercial for a portion of the NW ¼ and NE ¼ of Section 3, T139N, R64W to the City Council. Seconded by Commission member Trautman. Roll Call. Unanimous aye vote. Motion Carried.

5. Public Hearing: Zone Change Request

A portion of the NW ¼ and NE ¼ of Section 3, T139N, R64W of the Fifth Principal Meridian, being within the City of Jamestown, Stutsman County, North Dakota from A-1 (Agricultural District) and C-2 (General Commercial District) to C-2 (General Commercial District). The property is located along the 2600 Block of 20th St SW and consists of 132.96 acres.

Chris Clanahan, SRF Consulting Group, Inc. reviewed the staff report recommending approval of the zone change. The zone change request will clean up what is currently zoned A-1 Agriculture District and change it to C-2 General Commercial District. The application meets all the requirements as outlined in the Municipal Code. The existing Anne Carlsen 2nd subdivision is already zoned C-2 and meets the current standards of the district. At this time, no protests have been received for this zone change, therefore staff is recommending approval of the zone change.

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 recommend approval of the zone change from C-2, General Commercial District and A-1, Agricultural District to C-2, General Commercial District for a portion of the NW ¼ and NE ¼ of Section 3, T139N, R64W to the City Council, as it meets the requirements of Appendix C of the Jamestown Municipal Code. Seconded by Commission member Paulson. Roll Call. Unanimous aye vote. Motion Carried.

6. Scott Harmstead, SRF Consulting Group, Inc. informed the Commission that they are working on the table of action items, and one discussion item was public vs. private roads when a plat is proposed. The question as to whether these roads are developed to a private or city standards will be discussed. SRF Consulting Group, Inc. will provide an updated table soon as they are looking into other surrounding jurisdictions such as Aberdeen, Bismarck, etc. These cities currently discourage private roads, more research will be done as the city does not have a set of standards for roads relating to ROW, etc.

7. Commission member Bensch made a motion to adjourn, seconded by Commission member Trautman, meeting adjourned.