PLAN COMMISSION MEETING MINUTES
of NOVEMBER 4, 2024 at 7 PM

Members Present: Mike Calewarts, Keith Brunner, Jared Post, Kathy Janssen, Melissa Trepanier, Peter Dewar, Bill Hafs, Zoning Administrator, Michelle Wallerius, Clerk. Alex Sickel, Attorney for the Town.

Meeting called to order by Mike Calewarts at 7:00 p.m.

1. Approve Minutes of August 5, 2024: Motion by Pete Dewar and seconded by Jared Post to approve Minutes of August 5, 2024. MC
2. Review Preliminary Plat of survey for R. VanEss creating a 6 lot subdivision located at County Hwy R and Stagecoach Road. Bill Hafs states he reviewed and provided the landowner with the subdivision ordinance. Highlights process for review and approval. Preliminary consultation held and the parties have submitted a proposed Plat of Survey for ND-98 creating 6 separate lots. Parcel is currently zoned Ag-R and all proposed lots have adequate acreages of 1.5 or more and 200 feet of frontage. The Town's Comprehensive Plan identifies this area for future residential growth. Sup. Calewarts inquires about the corner lot which is currently non-conforming and if that parcel could be negotiated to create a conforming lot. Parcel ND-98 contains 12.4 acres. Attorney Sickel states the proposed subdivision requires no infrastructure and would recommend a sub-developers agreement as the final approval is completed which address driveway access and erosion control. Pete Dewar inquires if the intent is to sell to builders or individuals who wish to build. Individuals to build private residences. ND-100 contains 1.2 acres on the corner, Mike Calewarts and Keith Brunner would like to see the landowners discuss this parcel and see if a property can be negotiated to bring to conformity. Steve Bieda in attendance for property owner and said both property owners are aware of this have discussed it. Additional land was allotted to adjacent parcel to accomplish this and it could be done by deed if an agreement is reached. Mike Calewarts would prefer to see this done while the preliminary plat is pending and before it is finalized. Melissa Trepanier inquires if there are any restrictive covenants. None being proposed. Kathy Janssen states the Town ordinance would dictate home size. Motion by Melissa Trepanier and seconded by Jared Post to approve preliminary plat of survey for 6 lot development for ND-98. Keith Brunner opposed. MC-5-1.
3. Request from Duane Wery to vacate Connor Lane which would create a non-conforming parcel due to road frontage for parcel ND-424 (5711 S County Hwy T) Property owner looking to vacate Connor Lane as the property owner's well is currently in the center of the cul-du-sac when the Town approved the CSM. This was done to ensure the property had appropriate road frontage. Mr. Wery states the Town originally agreed to vacate the bulb and keep the road, but agreement never finalized. Bulb is 65-foot radius. Option to petition for a variance or non-conforming use if roadway is approved to be vacated. If vacated, the property would have 70 feet of frontage. Motion by Melissa Trepanier and

seconded by Pete Dewar to recommend Town vacate Connor Lane and property owner to petition for non-conforming use permit due to lack of frontage. Motion carried 6-0

4. Conditional Use Permit for parcel ND-116-3 to build a residential home on 4.42 acres with 100 feet of road frontage. This parcel is located at County Highway R and is zoned Ag-1: Original parcel created 1968. Zoned Ag-1. Current parcel in question contains 4.42 acres with 100 feet of road frontage. CSM approved in 1998 – driveway permit approved in 1997. Zoning Administrator Hafs states he made an error by recommending the conditional use permit; it actually should be a non-conforming use permit. Parcel is not suitable for agricultural land, large ravine in back. Melissa Trepainer questions the order the parcels were created. Was there a house first and than split or split prior to the home being constructed. Discussion that land was traded between property owners to account for 100 feet of frontage. Board at that time advised they would then consider two parcels if they could make that frontage. Attorney Steven Krueger for the Kafkas states his client relied on the Town's representation when they swapped the land and would request a variance or non-conforming use permit to allow what the Board originally granted, which was two buildable parcels. Mike Calewarts states 200 feet of frontage was always required for Ag-R zoning, it was never 100 feet. CSM was created to conform to possible R-1 zoning. Matt Goetsch questions when the Kafka home was originally built. Building permit issued in 1999/2000. Since this parcel is noted as future residential in the Smart Growth Plan and it appears the intent of the Board back in 1998 was to create two parcels, the Plan Commission would recommend a rezoning to Ag-R with the need for a Nonconforming Use permit. R-1 is only used for limited circumstances. Fee for the Non-Conforming Use permit waived due to Conditional Use Permit fee already paid, which was in error. Plan Commission not setting precedent for other non-conforming lots as this was intent of prior Board. No further discussion. Parties to re-file rezoning application and Non-conforming Use Permit for Plan Commission consideration.
5. Any other business of the Commission may deem appropriate. No further business.

Motion by Mike Calewarts and seconded by Jared Post to adjourn at 8:20 pm.