

**DRAFT: MINUTES of PLAN COMMISSION MEETING
February 13, 2018 @ 7:00 P.M.**

Members Present: Michael Calewarts, Steve Olsen, Kathy Janssen, Keith Brunner, Francis Rabas, Michael Gaworek, Bill Krueger, Ralph Witte, Zoning Administrator, Clerk – Michelle Wallerius. Attorney James Sickel & Steve Zeitler on behalf of Chad Kane. Meeting called to order by Chairman Bill Krueger at 7:00 p.m.

PLAN COMMISSION AGENDA

1. Rezoning request from Chad Kane to rezone 3.2 acres of land from ND-695 from Ag-1 to Ag-R for the construction of a single family home and dedication of proposed roadway Indian Creek Trail. Dedication of new road is required to meet the Town's minimum standard of 200 feet of frontage for Ag-R zoning. New road is approximately 500 feet long. 65 radius included for turn around to accommodate emergency vehicles and school bus. Discussion of proposed intersection of new road coming out onto Rosecrans Road. Speed is 45 mph going south and 35 mph going north.

Steve Zeitler presents on behalf of property owner and indicates Chad Kane intends to develop the remaining property at a later date. Currently requesting to construct new home on corner lot and establish Indian Creek Trail development, similar to Cedar Meadows and develop a road to Town standards and specifications.

Kathy Janssen states she intends to abstain from voting as she is a neighbor to this property but historically this home site had adequate frontage in 1959. When the railroad came in, it affected the current road and Rosecrans was reconstructed and it left only 94 ft of road frontage. Parcel had existing home that was removed and would be grandfathered in for new home without rezone or required frontage. Property contains mound system and existing well.

Steve Zeitler inquires what the Town standard is when a developer is required to blacktop? Plan Commission states the developer would be required to blacktop and make all improvements before Town would accept the road. Chairman Krueger states it would be very hard to justify accepting a new road and require the Town pay for blacktop when numerous other gravel roads exist in the Town and they not been paved. Would require developer to cover utilities and blacktop of new road projects for future subdivisions. Plan Commission states the developer would be responsible for engineering costs associated with the new road and subject to a Developers Agreement entered into with the Town to ensure it is done timely.

Mike Calewarts questions when Chad Kane intends to move forward with the future development of this site? Steve Zeitler indicates soon. Plan Commission needs to understand if they accept the rezoning change and CSM as presented, the Town is accepting Indian Creek Trail as a new Town road as it recorded at Register of Deeds. Plan Commission feels a Developers

Agreement would need to be in place and enforceable to ensure the road is constructed to Town code and completed in a timely manner. A Developers Agreement has not been presented to the Commission or Town Board for review. The proposed subdivision map is over 5 years old. Discussion of using escrow account for covering cost of blacktopping at later date.

Plan Commission questions road placement with existing wetlands and how this plays into layout of subdivision and proposed lots. Wetlands noted throughout property.

Steve Olsen is opposed to request as a Developers Agreement is not presented and not willing to take on new road dedication without that agreement.

Michael Gaworek questions frontage required for various zoning classifications. Mike Calewarts states he can build a home as it without the need to rezone. He could build the road as proposed on the CSM and use it as a private driveway until he is ready to develop. No timeline when he intends to have development going and the Town could be left with 500 feet of road and no future plans. Build driveway to Town road standard, and move forward with Developers Agreement and dedicate of a new road when he is committed to developing.

Bill Krueger questions access options from opposite end of parcel. Steve Zeitler states Chad Kane wants to build house as it is presented, with road dedication as proposed. Chad indicated he wants new home on only 3.2 acre lot, separated from remaining parcel for financial purposes and to have a separate tax parcel. Francis Rabas would request the driveway then be reviewed and documented to ensure it is built to Town specifications. Steve Zeitler indicates they estimated the 500 feet of road would cost \$75,000 to construct to standard.

Mike Calewarts states build and develop driveway as proposed and come back when road is improved and ready for development.

As a whole the Plan Commission supports future development and a new home, but come to the moving party needs to come to the Town with a plan and Developers Agreement and a specific timeframe to have it completed. Parcel falls within the Town's future growth and development pursuant to the Smart Growth Plan, but requesting a proposal/ Developers Agreement to move forward versus a single request for one lot and new road.

Motion by Steve Olsen and seconded by Francis Rabas to deny rezoning request and dedication of Indian Creek Trail. MC 6-0. Kathy Janssen abstains from vote.

Motion by Michael Gaworek and seconded by Keith Brunner to adjourned at 7:58 pm.