

Planning & Zoning Commission Proceedings
Monday, June 15, 2015

Chairperson Rick Hultberg opened the meeting at 1:31 p.m. Present were Commissioners Hultberg, Roger Britton, Darwin Saari, Don Flinn, Doug Krebsbach, and Vernon Ostby. Also present were Land Use Administrator Todd Schreiner, Land Use Assistant Cassie Goetz, Chief Deputy Auditor Lori Foss, Duane Nelson of Garrison, and Secretary Terri Guderjahn.

Moved by Flinn, seconded by Ostby, to approve the minutes of the previous meeting as submitted. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Chuck Reiser of Farmers Union Oil - Turtle Lake joined the meeting requesting approval of a zoning change involving land located in the 5½SE¼ of Section 5, Township 146 North, Range 80 West, more specifically identified as Outlot A. The above named applicant seeks approval of a zoning change to change the land classification from agricultural to commercial to allow construction of multiple commercial structures including a fertilizer plant, chemical building (pesticide / herbicide), gas station and convenience store. The property in question is owned by Leo Reiser Jr. Property access was discussed. Reiser told the board that rural water will be trenched in. Anhydrous will be stored on the property in 5 to 7 years while the convenience store won't be added for another 2 to 3 years. Hultberg asked if anyone present was in opposition and there was none.

Moved by Krebsbach, seconded by Britton, to recommend to the Board of County Commissioners approval of a zoning change involving land located in the 5½SE¼ of Section 5, Township 146 North, Range 80 West, more specifically identified as Outlot A, changing the classification from agricultural to commercial to allow construction of multiple commercial structures. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Kelsey Schaefer of Bismarck and Neil Miller of Wilton joined the meeting. Miller was present with two requests. The first request is for approval of a conditional use permit involving land located in the NW¼ of Section 24, Township 143 North, Range 81 West, more specifically identified as Outlot F consisting of 2.00 acres, to allow construction of a non-farm structure on agricultural land. The second request is for approval of a conditional use permit involving land located in the NW¼ of Section 24, Township 143 North, Range 81 West, more specifically identified as Outlot G consisting of 3.00 acres, to construct a non-farm structure on agricultural land. Discussion followed regarding existing road access as well as water and sewer services. Schreiner informed Miller that the original, not copied, outlot plat documents need to be recorded in the Recorder's office.

Moved by Flinn, seconded by Krebsbach, to recommend to the Board of County Commissioners approval of the conditional use permit request involving land located in the NW¼ of Section 24, Township 143 North, Range 81 West, more specifically identified as Outlot F consisting of 2.00 acres, and land located in the NW¼ of Section 24, Township 143 North, Range 81 West, more specifically identified as Outlot G consisting of 3.00 acres, to allow construction of non-farm structures on agricultural land. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Schreiner informed Miller that any further divisions to the property in question would require the establishment of a subdivision. Krebsbach noted that if a subdivision would be approved in the future, any and all roads would have to be constructed according to county specifications.

Greg Schommer of Bismarck joined the meeting to request a variance of the setback requirements of the McLean County Ordinance for land described as Lot 6 – Paradise Retreat (Township 149 North, Range 80 West, located in Horseshoe Valley Township). The above named applicant seeks a variance to allow the construction of a structure closer than the required 15 foot setback from the side lot line as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on March 5, 2013. Schreiner explained that Schommer has signatures from adjacent neighbors in support of the variance. Schreiner added that he had sent a letter to Horseshoe Valley Township regarding the variance but had gotten no reply. Schommer informed the Board that a manufactured home will be placed on the property and the interior floor plan would be submitted to Schreiner's office.

Moved by Krebsbach, seconded by Britton, to recommend to the Board of County Commissioners approval of the variance request from Greg Schommer for land described as Lot 6 – Paradise Retreat (Township 149 North, Range 80 West, located in Horseshoe Valley Township) to allow construction of a structure closer than the required 15 foot setback from the side lot line as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on March 5, 2013. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Tim Aman (TNT, LLC) of Bismarck joined the meeting to request a variance of the setback requirements of the McLean County Ordinance for land described as Lot 1 – Totten Trail Lounge Site (Township 148 North, Range 83 West, located in Snow Township). The above named applicant seeks a variance to allow construction of a structure closer than the required 125 foot setback from the center line of the road (14th St. NW) and closer than the required 250 foot setback from the centerline of Highway US 83 (nearest adjacent lane) as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on March 5, 2013. Schreiner added that he had sent a letter to Snow Township regarding the variance and they replied that they had no objection. Aman stated that underground fuel tanks will be placed with a 124' canopy covering the pumps. The pumps will be accessible through an unattended card control system. Krebsbach questioned if additional approaches would be needed and Aman replied no. The board commented that this would be an excellent addition to Totten Trail's services.

Moved by Krebsbach, seconded by Ostby, to recommend to the Board of County Commissioners approval of the variance request from Tim Aman for land described as Lot 1 – Totten Trail Lounge Site (Township 148 North, Range 83 West, located in Snow Township) to allow construction of a structure closer than the required 125 foot setback from the center line of the road (14th St. NW) and closer than the required 250 foot setback from the centerline of Highway US 83 (nearest adjacent lane) as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on March 5, 2013. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Luke Retterath of Washburn joined the meeting requesting approval of a conditional use permit involving land located in the NW¼ of Section 15, Township 144 North, Range 83 West, more specifically identified as Outlot C, to allow construction of a non-farm structure on agricultural land. Retterath informed the board that an existing approach will be used and that First District Health and McLean Electric have been contacted regarding water, sewer, and electrical utility access.

Moved by Krebsbach, seconded by Flinn, to recommend to the Board of County Commissioners approval of the conditional use permit request from Luke Retterath for land located in the NW¼ of Section 15, Township 144 North, Range 83 West, more specifically identified as Outlot C, to allow construction of a non-farm structure on agricultural land. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Bruce Bergquist of Washburn joined the meeting via conference call. Bergquist is requesting approval of a conditional use permit involving land located in the SE¼ of Section 2, Township 143, Range 80 West, more specifically identified as Outlot A, to allow construction of a non-farm structure on agricultural land. The new structure will replace an existing home already on the property; a new septic system will be installed as per guidelines provided by the Health Department.

Moved by Flinn, seconded by Krebsbach, to recommend to the Board of County Commissioners approval of the conditional use permit request from Bruce Bergquist for land located in the SE¼ of Section 2, Township 143, Range 80 West, more specifically identified as Outlot A, to allow construction of non-farm structure on agricultural land. Roll Call Vote: Aye: Hultberg, Saari, Britton, Krebsbach, Ostby and Flinn. Nay: None.

Al Schock of Blue Lake Township entered the meeting to obtain information regarding land that has been in his family since 1958. Nelson and Schommer rejoined the meeting. The property consists of 14.5 acres zoned agricultural including 4.5 acres on the lake front. There are two existing residential structures, a main residence and a smaller guest residence, on the property with separate septic systems. He is planning to connect to rural water later this summer. The land is currently offered for sale as one unit; if the property does not sell in a timely matter as one unit he would like to know what the proper steps would be for subdividing the property into smaller, marketable units thereby establishing a new subdivision. Schock and the board discussed various items including road access along with construction requirements as per county guidelines for subdivisions; minimum allowable lot sizes; and land owner associations.

Duane Nelson of Garrison approached the board with an information request as well; he would like to build a garage on his property located in Hideaway Point at a distance of 5' from his neighbor's property. The closest existing building is approximately 20' from where the garage would be placed. Nelson's lot measures less than 1 acre. The board and Schreiner instructed Nelson that any requests for variance would need to be submitted to Schreiner's office by the last week of the month to meet publication deadlines. He was also told that he would be responsible for any publication costs and that obtaining letters of approval from adjacent property owners would be to his benefit as long as he provides contact information for those owners. Discussion followed regarding the reasoning for maintaining a certain amount of distance between structures to allow access for emergency services if needed.

There being no further business the chairperson declared the meeting adjourned.