

Devils Lake Planning Commission
7-22-21

Members present: Vonda Markestad, Larry Liere, Terry Thompson, Ray Sletteland, Rodger Haugen, Mike Grafsgaard, Dick Johnson, Wyatt Hanson, Tom Traynor, Mark Lange.

Others present: see attached list.

Larry opened the public hearing to review a request from the DL Student Council to change the name of 16th St NW to Firebird Lane NW. 911 addressing said they did not have any issues with the name change. The Park Board/Burdick Arena is the only entity that has a 16th St NW address and they submitted a letter stating they have no objection to the name change.

Matt Bakke, DL Schools, stated the school works with students to instill pride in their school and community and the senior class each year chooses a legacy project. This year they chose renaming 16th St NW into Firebird Lane. He offered thanks for the consideration of the request.

Erin Clementich and Emma Hoover spoke on behalf of the request to change 16th St to Firebird Lane and thought it would be a good legacy for the senior class to leave behind. Clementich thanked the commission for being able to be there and see how government works and see how the process worked to change the street name.

Larry closed the hearing and opened the public hearing to review a proposed amendment to the zoning regulations that would shift the responsibility of special use requests from the Board of Adjustment to the Planning Commission. Discussion has been held with both boards and City Planner Steven Zimmer and it was agreed the Planning Commission would be the board to review special use permits. The Planning Commission generally deals with any requests that involve land use; a special use request would likely involve land use.

Proposed amendments to the zoning ordinance were submitted. City Planner Steven Zimmer recommended approving the changes. Tom stated the changes are fine.

Larry closed the hearing and opened the public hearing to review a proposed amendment to the zoning regulations to add group home definition and use to the ordinance. The ND Century Code includes a definition of group homes and lists them as permitted uses in residential areas. The proposed changes are to be in conformity with State Code.

Proposed amendments to the zoning ordinance were submitted. City Planner Steven Zimmer recommended approving the changes. Tom stated the changes are fine.

Larry closed the hearing and opened the public hearing for review of a final subdivision plat for Emerald Ridge, located in Section 9 southwest of Frison Addition, and to be zoned as single family. The preliminary plat was reviewed at the last meeting and approved contingent upon adding the dedicated public roadway as a part of the subdivision. That change has been made.

A township roadway into the subdivision will be constructed on the section line and will be known as 29th St SW and will enter from the west side of the subdivision.

Lucas Wakefield (Wakefield) stated he would be happy to answer any questions regarding the subdivision.

Larry Schneider (Schneider) said he lives along the road that is proposed to access the subdivision from the east. He has lived there for over 25 years and is concerned about additional traffic and dust by his home. He is also concerned about how the new roadway will be improved and what elevation it will be. How wide will the new roadway be and who is responsible for the cost? He recently had his property surveyed and it appears one of his irrigation sprinkler heads is outside his property line and is on the proposed public roadway. Who will have to pay for that if it has to be moved? He has maintained the roadway in front of his house for years and placed slow signs along the road. He asked if speed bumps could be installed to slow traffic.

Mike stated that it's possible the developer or contractor would work with him if relocation is necessary, but they are not required to in a case where private individuals have something on the right of way. Everything located on the right of way is at the property owners' expense if it should be damaged.

Clint DeVier (DeVier) is a representative of Creel Township and told the Planning Commission that the township has specifications for how a road must be constructed in order for the township to take over maintenance. In the past roadways have been accepted by the township even though they did not meet specifications and the entire township ends up subsidizing the cost of that road maintenance. The township no longer accepts roads that don't meet specifications.

Schneider said he measured the roads in Frison Addition and they are 24' or less width and no ditch ratio. Why does the right of way need to be 60'? It seems like it would be much better to access the subdivision through a vacant lot in the southwest corner of Frison Addition instead of going east to Hwy 20.

Finley McLean (McLean) is also a representative of Creel Township and told Schneider it would not work to have the vacant lot for access because it's only 45' wide and they need 60' right of way.

Mike said that even though the top width of a road may be only 24', 60' right of way is needed to allow for grading the ditches in rural sections.

Schneider said the way it lays out right now, his property line is 8' from the road edge and if the road is widened it would probably end up on his property.

Mike told him that the road construction can't go on his property without his permission and the new roadway would end up being shifted away from his property.

Dave Hovendick (Hovendick) with Land Surveying Services noted all the streets in Frison Addition have 60' rights of way. He also noted that from previous experience on a township board, townships are allowed to put speed bumps on township roads.

Larry asked about the developer treating the gravel road with magnesium chloride to control dust and Wakefield said that was something they could certainly take a look at.

It was noted that the property owner on the west end of the roadway dedication has declined to dedicate his property as public right of way. Developers are requesting that his parcel be removed from the roadway dedication and adjust the boundary of the subdivision plat to reflect that. Hovendick stated he didn't see any problems with deleting that parcel and adjusting the subdivision boundary.

Larry closed the hearing and opened the regular meeting. Ray made a motion to approve the minutes of the last meeting. Motion 2nd by Rodger. Carried.

Dick made a motion to recommend approval of changing the name of 16th St NW to Firebird Lane NW. Motion 2nd by Vonda. Carried.

Dick made a motion to recommend approval of the changes submitted to amend the zoning ordinance to allow for the planning commission to review special use permits, rather than the board of adjustment. Motion 2nd by Terry. Carried.

Vonda made a motion to recommend approval of the changes submitted to amend the zoning regulations to add a definition of group homes and add group homes as a permitted use in residential areas. Motion 2nd by Ray. Carried.

Further discussion was held on the subdivision plat.

Schneider asked which way construction equipment would enter the subdivision and was told by Wakefield that they would come in through the west entrance.

The City is requesting an addition to the plat to require permission from the City before any excavation can take place on the portion of the public road right of way dedication that is owned by the City. The notation will be included in the dedication statement on the plat and also in the legend that refers to the city property.

The 40' X 60' parcel located at the west end of the road right of way will be removed from the subdivision and the boundary of the subdivision adjusted to reflect that.

Mike said a drainage plan for the subdivision will need to be approved by the Township prior to the Mayor signing the final plat. Wakefield stated he has spoken with the Township regarding drainage for the subdivision and will need to have trees removed and grading done before a detailed drainage plan can be done.

Rodger made a motion to recommend approval of the final plat for Emerald Ridge contingent on adding language that requires approval from the City before excavation on city property; removing 40' X 60' parcel on west end of roadway dedication from the subdivision and adjust boundary of subdivision to reflect that; and receiving notification from the Township that an acceptable drainage plan for the subdivision has been submitted on behalf of the developer. Motion 2nd by Wyatt. Carried.

Dick thanked Eric and Emma for coming to the meeting and for their involvement in the community.

Meeting adjourned.

Respectfully submitted,

Helen Carlson