

Devils Lake Planning Commission
5-26-22

Members present: Ray Sletteland, Vonda Markestad, Peter Jerome, Jason Sayler, Rodger Haugen, Mike Grafsgaard, Dick Johnson.

Others present: Dustin Willey, Al Freidig, Robin Sposato, Elizabeth Sposato, Robert Kraft, Lonnie Lacina, Spencer Halvorson, Stephanie Shock, Jay Klemetsrud, Dave Hovendick, Craig LeNoue (via phone).

Ray opened the public hearing to review a request for a conditional use permit to allow living quarters on the ground floor at 423 3rd Ave NE. The currently zoning central area commercial.

Klemetsrud said there is already one apartment on the ground floor in this building that was grandfathered in when the zoning changed years ago. He would like to make a 2nd apartment in the same area and felt the ground floor location could be handicap accessible.

Mike noted that the current downtown zoning allows for retail on the ground floor and apartments on the upper levels of buildings.

Klemetsrud stated he's been in business for years and a 2nd apartment on the ground floor would be cash flow to keep things going.

Mike asked where the entrance to the apartment would be and was told by Klemetsrud that it would be west of the entrance to the barber shop.

It was noted that 26 letters regarding the conditional use permit request were sent to surrounding property owners. Eight were sent back stating there was no objections.

Ray closed the hearing and opened a public hearing for a request for a conditional use permit to allow storage garages on Lots 13-21, Block 64, OT, which are vacant lots located on 6th St SE.

LeNoue (via phone) stated he wants to construct 1 shop building with 8 individual 24' X 60' shops that could be rented or sold. His intent is to use 1 himself and sell the other 7.

Ray asked if the structure would be wood and was told by LeNoue that it would not be a pole building, it would have frost footings, and there would be pull through garage doors.

Mike asked about the potential of outdoor storage and was assured by LeNoue there would be covenants attached to the garages that would not allow outside storage other than 1 vehicle per shop.

Mike also asked if there would be water and sewer installed to each unit; would there be individual curb stops and sewer openings or would there be one master service?

LeNoue said there would be 1 meter and service and individual payments will be addressed in the covenants.

It was noted 14 letters regarding the conditional use request were sent to surrounding property owners and 3 were returned with no objection.

Ray closed the hearing and opened the public hearing for a request to change the zoning from agricultural to highway commercial for parcels of land located east of Wal Mart and described as Lot 2, Block 2 and Lot 1, Block 3 of East Bay Wal Mart Subdivision. In 2014 when the subdivision was created, part of it was zoned as highway commercial and part was left zoned as agricultural.

Freidig, representative of a potential buyer, said the proposed use of the land would require changing the current agricultural zoning to highway commercial zoning. He would further request that the change in zoning be contingent on closing on the sale of the property; if the sale does not go through, the zoning would not change. The proposed development would be mostly on the center of the property. Wal Mart has restrictive covenants for all properties surrounding Wal Mart. Negotiations have taken place with Wal Mart for the proposed use and the use has been approved.

Mike asked if a request for the vacation of 14th St SE which lies between the 2 lots would be coming and was told by Freidig that it would not.

R Sposato lives at the east dead end of 14th St SE and is concerned about altering the drainage ditch and impeding the drainage, especially in the spring. She asked if the City would still be responsible to aid in drainage issues.

Mike told her the City is aware of the drainage challenges in that area and have installed a lift station. They are currently working on an overall storm sewer project for that area that will catch storm water run off before it gets to her. He sees this project taking water to a ponding area for storage and not necessarily utilizing a ditch.

R Sposato asked if 14th St SE would be opened to Highway 2 eventually. She stated she is concerned about the additional noise that will create.

Mike informed her that 14th St SE will eventually tie into an access to Highway 2.

Freidig stated that the proposed buyer will be constructing a professional building which will likely generate less traffic than a retail use.

It was noted 9 letters were sent to surrounding property owners. One letter was received stating concerns about increased traffic and the need to keep the area residential, and 1 letter received stating no objections.

Ray closed the hearing and opened the public hearing to review a preliminary subdivision plat for Prairie Rose Estates located in the SW1/4 SW1/4, Section 36, T154N, R64W (County Rd 2).

Zoning request would be residential low density. The proposed subdivision would have 8 lots that are laid out to accommodate townhouses as well as single family.

Lacina stated the current plan is to build one 2 unit building, possibly two buildings. The units for the 1st building are already spoken for. Each unit would have its own curb stop. Property line would be the center of the two units. The high end, one level units will be geared towards retired people. An approach to the subdivision has been approved by the County.

It was noted a copy of the subdivision plat has been sent to the County, Township, and utility companies.

Mike said it's hard to approve a subdivision plat so close to the city limits without annexing the property, but in this case it's not a reasonable cost to even develop and tie into city utilities. He said if there was ever development to the west of this subdivision, the city could provide infrastructure and annex.

Lacina said they would be glad to annex to the city and would not protest annexation in the future.

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

Discussion was held on the request for another apartment at 423 3rd Ave NE. Mike said he is not a fan of residential living on the ground floor in the downtown area because it doesn't make sense in a retail area, but in this particular location it shouldn't be an issue. He suggested that if approved, it would make sense to formally approve a conditional use for the apartment that was grandfathered under the previous zoning change.

Rodger made a motion to recommend approval of a conditional use permit to allow two ground floor living quarters at 423 3rd Ave NE, one that was grandfathered years ago when zoning regulations were changed and one for current construction. Motion 2nd by Vonda. Carried.

Conditions for uses of the storage garages on 6th St SE should specifically state they are not for retail use, living quarters, kitchens, or outdoor storage. Dustin informed the commission that any of those uses would not meet building codes.

Freidig stated the developer intends to sell the garages for storage and could be used to store plumbing or electrical supplies for a business.

Dustin said the storage must be for the owner's personal use.

Vonda made a motion to recommend approval of a conditional use permit to build storage garages on vacant lots 13-21, Block 64 on 6th St SE with the conditional there shall not be retail use, living quarters, kitchens, or outdoor storage. Motion 2nd by Peter. Carried.

E Sposato felt Wal Mart burned the neighborhood around 14th St SE because of all the noise they create. She is in favor of commercial development, but not the loud noise. Its very hard to be in favor or not object to development if you don't even know what it's going to be.

Vonda asked if this new business would require forklifts and other such loud equipment and was told by Freidig that there would be some night activity but not heavy equipment.

Dick made a motion to recommend approval of the change in zoning from agricultural to highway commercial for Lot 2, Block 2 and Lot 1, Block 3 of East Bay Wal Mart contingent on the final closing of the sale of the property. Motion 2nd by Vonda. Carried.

Mike noted that the developer needs to provide an easement for the 4" watermain on Prairie Rose Estates.

Ray asked about sewer service and was told by Lacina that each lot will have its own sewer service and discussion has been held with the Health Department regarding that.

Rodger made a motion to approve the preliminary plat of Prairie Rose Estates, contingent on an easement for the 4" water line and the owners not protesting annexation in the future. Motion 2nd by Vonda. Carried.

Vonda made a motion to recommend appointment/reappointment of Al Freidig, Larry Liere and Peter Jerome as members of the Planning Commission. Motion 2nd by Rodger. Carried.

Peter made a motion to adjourn the meeting. Motion 2nd by Rodger. Carried.

Respectfully submitted,

Helen Carlson
Recording Secretary