

Devils Lake Planning Commission
11-29-07

Present: Larry Liere, Kevin Davidson, Rick Blake, Tom Traynor, Jerry Miller, Marlene Bertsch, Tim Greene, Mike Grafsgaard, Fred Bott, Gary Martinson, Terry Thompson, Ray Sletteland.

Larry opened the public hearing for a request to change the zoning from residential-suburban to highway commercial, and a conditional use permit to construct storage garages, for a parcel of land located across the highway from the airport.

Gary said the existing zoning for this area is residential and a change to commercial would allow for storage garages to be built. The existing garage on the property was grandfathered in when the zoning was changed. No application for a building permit has been submitted at this time and Gary said a conditional use permit is valid for one year. He suggested looking at rezoning only and in the future apply for a conditional use permit to construct storage garages.

Rick Blake stated that he owns the land already and he has talked to 2 neighbors to the east of the property and they have no problems with storage garages on the property. He has not talked with the neighbors to the west of the property.

Larry asked if this ends up being spot zoning.

Gary said the houses to the east of the property are zoned agricultural, the airport is zoned as industrial and the houses to the west are zoned residential. Industrial zoning would open up a number of uses, whereas commercial would be more limited.

Terry asked if the zoning was changed to commercial, are the allowed uses something the neighbors would object to. If the storage garages don't work out, a number of other commercial uses might.

Larry said that the Planning Commission generally asks for an OK from the neighbors for changes like this.

Gary said that the neighbors to the east did say they didn't have a problem with it; the neighbor to the west is Ted Schafer and they aren't too close.

Marlene said the neighbors would want to know if there is a proposed zoning change. She would like to see the neighbors contacted.

Gary said that for move ins, the neighbors within 300' are contacted. But in this case we can't be contacting everyone who drives by the area.

Ray would want neighbors contacted for their opinion.

Larry asked if we could approve the zoning change contingent on no objection from the neighbors.

Gary asked what percentage would have to approve the change and who would contact the neighbors.

Mike asked if there was a specific plan for the property. If the neighbors know the plan is for storage garages and not a commercial business, it may make a difference.

Marlene said we recently dealt with a similar request from Jim Strong and we told him to come back with a request when he has a buyer. Do the neighbors realize the change in zoning would allow anything commercial?

Larry closed the public hearing and opened the public hearing for a request to place a 10,000 gallon above-ground fuel tank on the Department of Transportation site in the Industrial Park.

Jerry Miller stated that the Fire Department has reviewed the plan for the fuel tank and has submitted a letter of approval. The tank would be double walled. The complete fueling system would be bid in the spring and used for the State fleet. The tank would be located on a 15' X50' concrete pad on the west side of the new building on the site.

Gary said this system would be similar to the fuel tanks at the airport.

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

Ray made a motion the City contact the people to the east of the Blake property and west to the dike for their opinion before any action is taken on a zoning change, with a simple majority vote of the neighbors considered before approval. Motion 2nd by Tim.

Fred said he is concerned with neighbors being able to decide how to use a property. They should be informed but not let them make the decision on how the property is used. This situation is a little different because it is so spread out, not like in the city where everything is so close.

Tom asked if the 51% majority would be by area or by individual.

Ray thought it should be individual.

Mike said storage garages would be a nice fit for the area, but are we changing the zoning on speculation? What if the area later develops into single family homes and the zoning would have to be changed back to residential?

Tom said if you don't like the 51% majority vote of the neighbors, vote no on the motion. The vote was 1 in favor and 8 not in favor. Motion did not carry.

Mike asked if Rick Blake could come back with a request for a zoning change when he has an actual request to build garages.

Rick Blake said he could do that.

Marlene made a motion to table the request until Rick Blake could visit with the neighbors and come back with a specific plan. There would not be another hearing fee at that time. Motion 2nd by Ray. Carried.

Ray made a motion to recommend approval of a conditional use permit to place a 10,000 above ground fuel tank at the ND Department of Transportation site at the Industrial Park. Motion 2nd by Terry. Carried.

Kevin made a motion to approve the Urban Roads submittal for 2009-2012 with the following projects:

LOCATION	TOTAL COST	FEDERAL SHARE	CITY SHARE
College Dr N - 3 rd St to 6 th St (concrete rehabilitation)	\$489,000.00	\$391,000.00	\$97,800.00
11th St SE - 5th Ave SE to 8th Ave S (new construction)	\$420,000.00	\$336,000.00	\$84,000.00
5th Ave SE - 1st St NE to Hwy 2 (concrete rehabilitation)	\$248,000.00	\$198,400.00	\$49,600.00
Walnut St E - 8th Ave NE to east City limits (reconstruction)	\$940,000.00	\$752,000.00	\$188,000.00

Motion 2nd by Tim. Carried.

Ray made a motion to adjourn the meeting. Motion 2nd by Kevin. Carried.

Respectfully submitted,

Helen Carlson
Recording Secretary