

**Devils Lake Planning Commission**  
**3-26-09**

Present: Jim Moe, Fred Bott, Jim Harris, Tom Traynor, Reed Ihry, Mike Grafsgaard, Larry Wingler, Brian Carlson, Frank Mack, Wayde Swenson, Terry Thompson, Kevin Davidson, Ray Sletteland.

Ray opened the public hearing for a request for a conditional use permit to allow a contractor's yard in an area zoned as highway commercial and located west of the DL grain terminal on 14<sup>th</sup> St NW.

Gary stated that TMO Global is looking at constructing a yard on a parcel of land located west of the DL grain terminal and would use the site for offloading components for wind towers. A similar operation was located off the rail site on 10<sup>th</sup> St NE and 5<sup>th</sup> Ave NE but it was not a good site. The components would come to Minneapolis by barge, and then would be loaded onto rail; once they arrive here they would be hauled to the site by truck. TMO is looking at two options for their operations. Option 1 would be north of Waste Management on 79<sup>th</sup> Ave NE. It would essentially be an empty site with a contractor's shack when in use. This area is zoned as highway commercial and a contractor's yard would be allowed as a conditional use permit. The 2<sup>nd</sup> option would be having their operation east of the grain terminal on property owned by Lake Region Grain and wouldn't require a conditional use permit because that area is zoned as industrial. TMO is waiting for railroad approval for the side rail for this option. They would like to get going on this as soon as possible.

Ray closed the public hearing and opened the public hearing for a request for a conditional use permit to place a church in agricultural zoning approximately ½ mile east of the city limits on County Rd 2.

Jim Harris said he would like to move a 50 X 130 metal building currently located in Oberon to the parcel the church owns east of the city limits. About 4 years ago he made a similar request but has since bought a church and house in the city. The church was recently damaged by fire. It would be cheaper to move a building onto the site they already own rather than rebuild the church in the city. He stated they would want to add 20' to the building as well. The building has been sitting in Oberon for about 10 years and has had no problems with snow load. He is thinking he and his friends would possibly take the building apart and reassemble on the new site.

Kevin asked what setbacks there would be.

Jim Harris said the building would be about 75 yards from County Rd 2.

Gary said there is a 50' setback in the regulations. Churches are a conditional use in agricultural zoning. Moving a building in would require the approval of the neighbors and compliance with all building codes.

Jim Moe expressed concern about what was going to happen to the church where the fire took place.

Gary said the Planning Commission could look at placing conditions that would avoid the building being boarded up, sitting vacant, and going back to the city and the taxpayer would end up paying for demolition.

Jim Harris said the building is a good structure yet and he plans to clean it up, replace the doors and windows and maybe try to sell it. It's too good to just tear down.

Jim Moe stated we would need an expert to say if it's still structurally sound. He would like to see this taken care of before starting a new venture and have a plan in place to avoid becoming a nuisance.

Jim Harris said he would start fixing the inside as soon as the weather breaks and would look at June for moving the new structure. He said they have someone who is going to check to the structure.

Fred thought the repair of the church damaged by fire would have to be completed to the city's satisfaction before doing anything with a new building and maybe that should be tied together in the conditional use permit.

Ray closed the public hearing and opened the regular meeting. Frank made a motion to approve the minutes of the last meeting. Motion 2<sup>nd</sup> by Terry. Carried.

Discussion on the contractor's yard west of the grain terminal included the road already being on the truck route, this is a good site for this kind of operation, turning lanes at the intersection of Hwy 2 could be looked at with the project, and maybe looking at changing the zoning to industrial at some time.

Kevin made a motion to recommend approval of a conditional use permit for TMO Global Industries to place a contractor's yard on a parcel of land on 79<sup>th</sup> Ave NE, west of the grain terminal on 14<sup>th</sup> St NW. Motion 2<sup>nd</sup> by Frank. Carried.

Mike asked if moving a building onto a parcel of land requires contacting adjacent property owners and following building code requirements.

Gary said it's harder in rural areas to go with 75% of property owners agreeing to moving in a building, but would follow the same procedure for moving in a building in the city limits. He asked Jim Harris if he intended to make the metal building look more like a church.

Jim Harris indicated that he would.

Terry asked how the Planning Commission should address the concerns of the Fire Chief.

Gary stated that we could add a condition that the fire damaged church must be repaired to the city's satisfaction before allowing the metal building to be moved onto their site on County Rd 2.

Terry made a motion to recommend approval of a conditional use permit to allow Grace Baptist Church to place a church in an area zoned as agricultural (approximately ½ mile east of the city limits on County Rd 2); the following conditions apply to this conditional use permit:

- moving in a 50' X 130' metal building would require approval of the neighbors and comply with all building codes
- the fire-damaged building owned by the church at 623 2<sup>nd</sup> St NE must be repaired to the city's satisfaction prior to moving in a building on the new site

Motion 2<sup>nd</sup> by Kevin.

Mike said this seemed reasonable and asked Jim Harris if he would work with that.

Jim Harris said that was fine with him.

Motion carried.

Fred noted that Sen Dorgan was planning on being in Devils Lake on Saturday for flooding concerns but due to more floods worse than ours, he won't be coming.

Frank made a motion to adjourn the meeting. Motion 2<sup>nd</sup> by Terry. Carried.

Respectfully submitted,

Helen Carlson  
Recording Secretary