

**Devils Lake Planning Commission**  
**3-26-15**

Members present: Greg Semenko, Terry Thompson, Rodger Haugen, Tim Greene, Mike Grafsgaard, Dick Johnson, Kevin Davidson, Gary Martinson, Ray Sletteland, Larry Liere (via phone).

Other present: Dave Hovendick, Darlene Hoffart, Tom Haahr, Al Freidig, Jodi Pike, Lonnie Lacina, Paul Gutschmidt, Dave Freidig.

Tim opened the public hearing to review a request for a conditional use permit to allow more than 18 children at a home daycare at 2111 10<sup>th</sup> Ave SW. It was noted 15 letters were sent to adjacent property owners and 1 concern was expressed about the daycare kids being in the neighbor's yard.

Darlene Hoffart stated she is already licensed for up to 18 children in her home daycare and would like to increase to 20 children in June. That amount of children is well within the means of her license.

Jodi Pike, who handles daycare licensing, stated Darlene's maximum ratio for children is 2.34 and she is at 2.04. She has enough square footage at her house to have 30 children if she had the proper staff.

Terry asked about her back yard being enclosed by a fence and wondered why the neighbor objected based on the kids being in his yard.

Darlene Hoffart said she wasn't sure why he would object because the kids don't go in his yard unless invited.

Tim closed the hearing and opened the public hearing to review the preliminary plat for East Gate Acres.

It was noted that the developers of the subdivision have changed their mind and will not be doing a plat and annexation of the parcel located in the NW ¼ of Section 1, but are still requesting a change in zoning and a conditional use permit to allow a contractor's yard.

Lonnie Lacina said it is their intention to build a shop and move Midland Excavating to the east side of the site, and possibly construct hobby shops.

Mike said he has a concern about the access if a future subdivision were developed adjacent to this area. We need to look toward future development as well and it may be a better fit at this time to not have a subdivision. Future development of that area could be addressed with a subdivision. The owners had some concerns about the cost of installing water and sewer services.

Dick asked if stockpiles at the site would end up being a problem like the Lake Region Asphalt site on Hwy 2 a number of years ago.

Mike felt the placement is far enough off the roadways that it wouldn't be an issue. He thought this would be a great improvement. These types of businesses are necessary and have to go somewhere. If adjacent lots do develop, those who are buying them will know what's already there.

Paul Gutschmidt expressed concern about using Gouldings Road as a haul road for the contractor's yard. He felt that would have a detrimental effect on his storage garage business and dust would be a huge issue.

Ray asked if Gouldings Road was a private road.

Mike said it is private but will be dedicated as public right of way on the subdivision plat for Cenex.

Lonnie Lacina said they would definitely use Elk's Road because they wouldn't gain anything by cutting across on Gouldings Road.

Dick said our comprehensive plan laid out the city's growth pattern to the east and north. He is concerned about blocking off development and wondered if allowing this layout would take away some of our options to develop to the east.

Mike noted this area is highway commercial and north of the railroad tracks would likely be the residential area. But he is concerned with rural water serving the area and needs to have a discussion on that.

Gary said for possible future development, they should not construct anything across the roadway indicated on the plat, just in case future development called for that roadway to be installed all the way to the east property line.

Larry asked if the conditional use permit could have a time line and have it cease to be a contractor's yard if development happens to the east.

Mike said it would be hard to put a time line on that when they would have invested a large amount of money in developing the contractor's yard.

Tim closed the hearing and opened the public hearing to review a request to change the zoning from agricultural to highway commercial for the entire parcel previously described as East Gate Acres. It was noted that 4 letters were sent to adjacent owners and 3 were returned with no objections.

Tim closed the hearing and opened the public hearing to review a request for a conditional use permit to allow a contractor's yard in an area zoned as highway commercial for the east 760' of the parcel previously described as East Gate Acres. It was noted 4 letters were sent to adjacent owners and 3 were returned with no objections.

Mike said the reason for keeping the conditional use permit on the east side is to keep the operation away from Elk's Road.

Tim closed the hearing and opened a public hearing to review a request for a permit to allow a temporary RV park at 2003 Summers St NW, which is zoned as heavy industrial. It was noted that 4 letters were sent to adjacent owners and 1 was returned expressing concern about possible damage to their property with all the construction workers in an RV park. Forward Devils Lake submitted a letter of support for the RV park. The request is for 32 camper sites that would be available for construction workers that would be working on the oil refinery if that project proceeds.

This same use was permitted for Strata Corporation in 2011 for their employees that did not have housing. Their permit was granted for an 18 month time period.

Dave Freidig said he intends to purchase the property from Strata Corporation and rent out the camper spaces to construction workers. His intent is to have the RV park as a temporary use that would start and end with construction of an oil refinery.

Tom asked if the use would be conditional on the construction of an oil refinery.

Dave Freidig said that it would be.

Mike asked if there is no refinery, there would be no RV park?

Dave Freidig answered that if the oil refinery project does not proceed, he may use the site for a truck wash.

Mike asked if the covenants for the Industrial Park allow an RV park. He said he is not a fan of an RV park in the Industrial Park but if it's only for the duration of oil refinery construction, and Forward Devils Lake is OK with it, it could work. He stated that conditional use permits that are not acted on by the applicant within 1 year of approval are no longer valid. The applicant would have to come back to the planning commission and start the process all over.

Greg said when Strata was granted a permit to allow RVs for their employees, it was a seasonal operation for their employees only. This proposed RV park would not be operated by the refinery and it could be hard to get rid of a park owned by an individual.

Tim closed the hearing and opened the public hearing to review the final plat for A Replat of Sunny Estates, located on 16<sup>th</sup> St SE. It was noted that the only change to the plat was the dimension of the interior lots. Originally there were 8 lots with the intent of building four 4-plex units on those lots. The new layout has 16 lots so that each unit will be on its own lot should they ever be sold individually. The planning commission would need to first take action to waive the need for a new preliminary plat since the only change is to the interior lot size and the change affects no one other than the current property owner.

Gary said that he concerned about the new units not being constructed yet and he thought we should have a condition that requires that a surveyor verifies and certifies that each unit is built on the appropriate lot.

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

Larry made a motion to recommend approval of a conditional use permit to allow more than 18 children in a home daycare at 2111 10<sup>th</sup> Ave SW. Motion 2<sup>nd</sup> by Kevin. Carried.

It was noted no action was necessary on the preliminary plat for East Gate Acres since the plat was been withdrawn.

Mike made a motion to recommend approval of a change in zoning from agricultural to highway commercial for a parcel of land previously referred to as East Gate Acres and located in the NW1/4 of Section 1 (east of Elk's Rd and north of Hwy 2). Motion 2<sup>nd</sup> by Ray. Carried.

Terry made a motion to recommend approval of a conditional use permit to allow a contractor's yard in the east 760 feet of an area zoned as highway commercial and described as a parcel of land previously referred to as East Gate Acres and located in the NW1/4 of Section 1 (east of Elk's Rd and north of Hwy 2).

Ray asked about a condition of not building over the area designated as a roadway on the preliminary plat for East Gate Acres.

Mike said the developers understand that it is in their best interest not to construct anything over the roadway that was proposed on the preliminary plat, just in case there is further development and the roadway gets developed all the way to the east edge of their property. He recommends there are no conditions placed on the conditional use permit.

Dick asked if Elk's Road is built to handle the construction traffic Midland Excavating would create.

Mike said it is designated as a truck route now and is designed for the purpose.

Motion carried.

Terry made a motion to recommend approval of a special permit to allow an RV park at 2003 Summers St NW in the Industrial Park, which is zoned as heavy industrial. Motion 2<sup>nd</sup> by Rodger.

Ray asked about putting a time line on the use.

Mike would propose an ending date of December 2017.

Terry asked if the park would be strictly for construction workers working on the oil refinery.

Greg asked if we can add a condition that the site is cleaned up at the completion date.

Mike asked Dave Freidig if he was OK with the park being used for the oil refinery construction only with an end date of December 2017.

Dave Freidig said that was OK with him, but added that maybe the RV park use would be needed again some time down the road.

Mike informed him that he will need to notify the City for each RV hookup and disconnection that takes place.

Dick felt that we didn't want to see a long term RV park in the Industrial Park. He wanted to know what happens if a contractor working on some job other than the refinery wants to stay in the RV park.

Mike said that the RV park could be in operation only during the construction period for the oil refinery and that any contractor could stay there, whether they were working on the refinery or on a different job.

Dick asked about having some type of closure plan for the RV park following construction of the refinery. Should all the infrastructure be removed?

Al Freidig said the exit plan for the RV park is that Forward Devils Lake has first refusal to purchase the property and put it back into conforming use. It would not be an issue to remove all the water and sewer pipes.

Terry rescinded his original motion and Rodger rescinded his 2<sup>nd</sup> to the motion.

Terry made a motion to recommend approval of a special permit to allow a temporary RV park at 2003 Summers St NW in the Industrial Park until December 31, 2017, if construction on an oil refinery commences, with the condition that unless an extension is requested prior to December 2017, the property goes back to a use that conforms with heavy industrial zoning and the RV park infrastructure is removed. Motion 2<sup>nd</sup> by Rodger. Carried.

Ray made a motion to waive the requirement for a preliminary plat for A Replat of Sunny Estates, A Replat of Outlot A, Replat of Block 3 Smith's Subdivision. Motion 2<sup>nd</sup> by Greg. Carried.

Greg made a motion to recommend approval of the final plat for A Replat of Sunny Estates, A Replat of Outlot A, Replat of Block 3 Smith's Subdivision, with the conditional that a surveyor verifies and certifies that each unit built is constructed on the proper lot. Motion 2<sup>nd</sup> by Rodger. Carried.

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

Respectfully submitted,

Helen Carlson  
Recording Secretary