

Devils Lake Planning Commission
1-26-17

Members present: Tom Traynor, Kevin Davidson, Greg Semenko, Gary Martinson, Terry Thompson, Dick Johnson, Mike Grafsgaard, Ray Sletteland.

Others present: Mark Olson, Shelby Vasichek.

Greg opened the public hearing to review a request for a conditional use permit to place a 560-gallon above ground fuel tank at the new Bobcat building at 1226 Hwy 2 E.

Shelby Vasichek stated that Bobcat would be using the tank to fuel equipment on site. The tank would be located adjacent to the northwest corner of the cold storage building on the south edge of the Bobcat property. He stated the tank will be a double wall tank and will be used for diesel. At this time there is no plan to place protective pillars around the tank.

Greg asked if we should be making it a condition to have protective ballards around the tank.

Shelby Vasichek said he will do that.

It was noted that the Fire Chief has reviewed the specifications for the tank and submitted a letter stating he had no issues with the tank.

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

Ray made a motion to recommend approval of a conditional use permit to allow a 560 gallon above ground fuel tank to be located near the cold storage building on the south edge of the Bobcat property at 1226 Hwy 2 E. Motion 2nd by Terry. Carried.

Mark Olson was present to request discussion on the City's ordinance addressing temporary use permits such as those for temporary greenhouses.

Gary said the ordinance was put in place to regulate temporary uses of greenhouses and storage containers, etc, back in 2004. A lot of retailers were using the old hoop buildings for green houses and some were using Connex boxes as storage buildings. These uses were not regulated by building codes. As a part of the temporary use ordinance, the city commission put a fee on temporary uses.

Mark Olson said he started his greenhouse with a temporary structure in his parking lot. He feels the \$50/mo fee is excessive when the fee for storage containers is \$50/yr. He didn't think he should be charged a fee to do business on his own property. He tries to keep his stuff neat and orderly and uses the temporary greenhouses to store items in the off season. If he has to take down the buildings every year and stack up all the pieces to store it all, what would that gain?

Gary said the ordinance states a temporary greenhouse can be up for 4 months at a time and then it has to be taken down.

Ray asked if Mark could leave the structure up permanently and just get taxed on it.

Gary told him there are no regulations for temporary greenhouses or other structures to be taxed. The fee for putting up the structures is to do business from the temporary structures.

Mark Olson said he intends to keep the same operation he's using but he does not want to take down the structures each year. There would be an added cost for the labor and new plastic coverings.

Greg asked if we should have Steven look at this with the new style of temporary buildings. A lot of the new structures have frames and built in shelving. Should we look at taking out the requirement that they need to be taken down each year?

Terry said it would still be a temporary structure that is not paying any taxes.

Mike said there needs to be regulations in place to handle this use and those regulations have to treat all similar uses fairly.

Dick asked if this issue was more aesthetics than anything.

Mike said the City needs to have control over temporary structures. It would be difficult to use aesthetics or location to determine if a temporary structure should be taken down each year.

Mark Olson said he used to take down the structures when they were close to the street, but now all the structures are tucked back into the back corner of the property. He said his buildings are engineered structured buildings and that should make a difference because they are more than just a temporary structure. He told Gary that he would bring in all the specifications so he could take a look at them.

Dick asked about the increase in temporary storage popping up in residential areas – things such as carports or small temporary storage units.

Gary said he would have Steven look at how other cities deal with these uses and bring it back to the planning commission for further discussion.

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

Respectfully submitted,

Helen Carlson
Recording Secretary