

Devils Lake Planning Commission
9-28-17

Members present: Mike Grafsgaard, Tom Traynor, Gary Martinson, Ray Sletteland, Rodger Haugen, Vonda Markestad, Terry Thompson, Kevin Davidson, Larry Liere, Wyatt Hanson.

Others present: Steven Zimmer, LuAnn Hinderscheit.

Larry opened the public hearing to review a request to vacate a portion of 2nd St NW located on the west side of Hwy 2. This stretch of 2nd St NW is located between Lake Lumber and Leading Edge Equipment. The request is to use the vacated street as access with no intention of building on it. Both adjacent property owners have signed off on the petition to vacate. The vacated street would be equally divided between the adjacent property owners and would retain a utility easement on the entire vacated area.

Terry stated the phone company has a phone line located in the roadway.

Mike said the city doesn't take street vacations lightly but in this case there would be no further development behind the lots adjacent to Hwy 2 based on flood plain elevations.

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

Terry made a motion to recommend approval of the vacation of that portion of 2nd St NW lying westerly of Hwy 2. Motion 2nd by Rodger. Carried.

LuAnn Hinderscheit was present to request that pet adoption centers and cat shelters be a permitted use in the Central Area Commercial zoning district. The current shelter is located on 5th Ave NE and they now have the opportunity to relocate the shelter to a single family home located at 211 6th St NE. This move would save them rent money. Their lease in the current location is up in November and they are making the request to be able to move into the home rent free and be in compliance with zoning regulations.

Gary said the closest description of this use is probably a kennel, which is a permitted use in industrial and highway commercial zoning. The use is not permitted in the central area commercial district and if they want to keep the shelter in that zoning district, the zoning language would have to be changed.

LuAnn Hinderscheit said the use would be to house the cats until they were adopted and "meet and greet" events would be held at the site. Dan Willert, owner of the house, told her they could use the west side of the Liquor Locker parking lot. They have 5 volunteers and the most people that would be at the site at one time would be 20 people. She still needs to talk to the Fire Department about occupant loads. They are currently insured to have up to 30 cats but would have fewer than that at the new place because it's smaller. There are no windows that are able to be opened at the existing site on 5th Ave NE. Their long term plan would be a large building

outside of the city for a cat and dog shelter, but to continue the shelter they have to deal with the reality of now.

Steven Zimmer believes this use should probably not be permitted, but could look at it as a conditional use permit that would address parking, some type of agreement with the Liquor Locker for use of their parking, smells, neighbor input, maximum number of animals.

LuAnn Hinderscheit said they would only use the Liquor Locker parking lot if they were having an event and would make sure that it was OK with them. They do “meet and greet” events twice a month. The new site would have better controlled access and more security. The rent money currently being spent could be used to pay for vet costs and food.

Gary said the process would be public hearings and a zoning change. A definition of the use would have to be created and added to the zoning language for central area commercial and maybe other zoning districts. He said LuAnn Hinderscheit could apply for a conditional use permit at the same time all the hearings are going on.

Vonda made a motion to go forward with adding language to the central area commercial zoning that would allow a pet adoption center/cat shelter as a conditional use permit. Motion 2nd by Wyatt. Carried.

It was noted that the cat shelter currently located at 5th Ave NE is in violation of zoning regulations but would be left as is since the process to change the zoning is in place.

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

Respectfully submitted,

Helen Carlson
Recording Secretary