

The Beulah Planning and Zoning Meeting of August 22, 2022 was called to order at 5:00 pm by Dale Schwalbe at the Beulah City Hall.

Present: Dale Schwalbe, Gerald Bieber, Gary Miller, Brock Seibel, Chris Renner, Dustin Buchmann, Roger Gazur, Ryan Tolosky

Absent:

Also Present: Heidi Hamelton, Building Official; Beaver Brinkman, Economic Development; Jennifer Gooss, Asst. City Attorney; Bill Schmalfeldt, Beulah Beacon; Rebecah Martin, Wes Gunsch

Gazur entered a motion to approve August 8, 2022 meeting minutes. Seibel seconded. Roll call vote found all in favor. Motion carried.

HEARINGS

Ordinance 449 – Use Table Amendment – Animal Kennels

Wes Gunsch requested the floor. Gunsch was in Grand Forks recently and took some time to visit Ruffin’ It Doggie Daycare. This facility can take up to 100 dogs. He was unsure of the zoning, but it appeared to be surrounded by commercial businesses and possibly light industrial, along with residential located behind the facility. He was able to speak with one neighbor, who shared that there are issues with odor and excessive barking. Gunsch stated support of an animal kennel in the community, but he believes the proposed location is not appropriate.

Miller added his experience visiting facilities in Moorhead, MN and Fargo. Both of the facilities he visited appeared to be located within light industrial zones. He was unable to speak with any nearby residents in Moorhead. The resident Miller spoke with in Fargo reported excessive barking at certain times of the day and night.

Rebecah Martin requested the floor. Martin is a resident of the New Energy Apartments. Her husband recently measured the approximate distance from the apartment building to where they believe the proposed kennel building would be built, and it was around 200 feet. She is concerned about the noise and odor potential for residents with balconies facing west. Martin is in support of having an animal kennel in the community, but she is not in favor of allowing it in the neighboring C4 zone in New Energy Second Addition.

Gazur reminded the commission that the purpose of this hearing is to determine if an animal kennel, as defined by the Zoning Ordinance, is a worthwhile addition as a conditional use in a C4 zoning district within the City of Beulah. The hearing is not in regard to a specific project. The reason for assigning any use conditions is to address concerns of the immediate neighborhood at the time of permitting.

Gazur made a motion that an animal kennel use as defined in the Zoning Ordinance be allowed in a C4 zoning district as a conditional use. Buchmann seconded. Roll call vote found Renner and Buchmann against, Gazur, Seibel, Tolosky, and Gerald in favor. Motion carried. The P&Z recommendation in favor will be made to City Council on 8/24.

Cole Fence Variance

Robert and Sandra Cole submitted an application for a building permit variance to install a fence up to the property line and connect to the neighboring fences. Written approval was received from one neighbor, and verbal approval was received from the other. Gazur made a motion to approve the fence variance as requested. Buchmann seconded. Roll call vote found all in favor. Motion carried.

Willmus Fence Variance

Michael and Donna Willmus submitted an application for a building permit variance to install a fence up to their property line and connect to a neighboring fence to the west. Written approval from all four adjacent neighbors was received. Gazur made a motion to approve the fence variance as requested. Buchmann seconded. Roll call vote found all in favor. Motion carried.

OLD BUSINESS

Murphy Garage Variance Application

The applicant has been contacted for additional information, but no response has been received as of today. Hamelton will reach out again.

Foundation Detail Update

No update.

P&Z Ordinance Enforcement Revision Review

No update.

Interstate Engineering revision of district zoning map

The map is still being updated.

Truth Community Church Grading/Storm Drainage Issue

No update.

Extraterritorial Zone

Brinkman is putting together an outline of what he envisions the group and process will look like in regard to his proposal made to the Mercer County Commissioners.

IBC Code Adoption by Beulah

Hamelton and the Assistant City Attorney have both neglected to find any documents showing that the state building code was ever formally adopted by the City of Beulah. Hamelton's recommendation is to prepare an ordinance for this purpose, individually, so it is easy to find and reference. A notation that it has been adopted can be added as a text amendment to the Zoning Ordinance. The potential adoption of other codes by the city was discussed.

Zoning Ordinance Text Amendments

The proposed list of text amendments was read and discussed. A few minor changes were proposed. Gazur made a motion to direct the Building Official to make the requested corrections and submit the application using the Text Amendment procedure outlined in the application. Tolosky seconded. Roll call vote found all in favor. Motion carried.

NEW BUSINESS

Tolosky/Lenzen Land Proposal

Ryan Tolosky and Ross Lenzen have each proposed the purchase of the piece of land behind each of their respective properties in Century 5th Addition that is currently owned by the city. The land is part of Lot 11 Blk 5, and they have both been maintaining this property themselves for a few years. Brinkman shared this as informational only, as it has been presented to City Council already and is being reviewed.

Vacant Property Registration Program

Hamelton attended the Business Summit held by the Mayor on Tuesday, August 16th at the Civic Center. One of the major topics at the summit was the lack of available business-ready commercial properties, and the abundance of vacant commercial properties along Main Street. One solution that was brought up to act as incentive for these property owners is the establishment of a Vacant Property Registry. Hamelton has been researching this topic over the last week at the request of the mayor, and the topic was discussed briefly.

Planning Commissioner Training

The North Dakota Planners Association is holding a free 4-hour Planning Commissioner training on September 13th at the Raddison in Bismarck.

Permit List Review

The permit list was distributed and reviewed. Gazur made a motion to approve the list as presented. Buchmann seconded. Roll call vote found all in favor.

Motion to adjourn by Seibel. Gazur seconded. Motion carried. Meeting adjourned at 7:20 PM.


Chairperson


Secretary