

The Beulah Planning and Zoning meeting of April 26, 2021 was called to order at 5:00 pm by Jerry Reichenberg at Beulah City Hall.

Present: Jerry Reichenberg, Brock Seibel, Roger Gazur, Gary Miller, Gerald Bieber

Absent: Dustin Buchmann, Dale Schwalbe, Chris Renner

Also Present: Beaver Brinkman, Christina Barbot, Glen Oberlander, Shannon Gar and Mark Pollack

The building permit application that was submitted by the Barbots on April 13, 2021 included incorrect information which resulted in a motion that was based upon that information to be invalid. Gazur moved that due to the fact that the building permit application had the incorrect address the motion he made on April 13, 2021 is rescinded; seconded by Seibel. Motion approved.

Seibel moved to approve the April 13, 2021 Special Meeting Minutes; seconded by Gazur. Motion approved.

PUBLIC PRESENTATIONS

Mark Pollack – Industrial Park Set Back

Mark Pollack presented his plan to add 32' to the back of his building located at 1628 Arikara Alley which would leave a setback of only 13' rather than the required 20'. He has received approval from the neighboring property owner that would be most directly impacted. There would be about 60' between the two buildings due to the way the neighboring property is built. Pollack indicated that he would like to begin the project by early fall. Gazur raised the issue of the need to notify the other nearby property owners.

Gazur moved to make a recommendation to City Council that the variance be approved conditioned on all adjoining landowners within ~~100'~~ 300' be contacted for comment; seconded by Seibel. Motion approved.

Tyler & Tatiana Rooks – ADA Bathroom Exception Request

The Rooks were not present for the discussion. Brinkman reported that he spoke with Todd Johnson from IBC about ADA requirements for the proposed building improvements. Johnson responded that the additional plumbing to be undertaken in the building does trigger a change in use which would mean the bathroom would need to be ADA compliant.

Gazur moved that part of the building permit will require the bathrooms to be ADA compliant; second by Bieber. Motion approved.

Christina Barbot – Request to Locate Business in R Zone

Christina Barbot met with P & Z to challenge the committee's decision regarding her request for a change in zoning of a residence located in a R1 Zone or to consider a conditional use permit for the business. She noted a series of attributes her business brings to the community and how it would benefit the neighborhood. Her current lease will end soon and she has determined that the alternate space that has been offered is not satisfactory for her business.

Members of P & Z explained that the zoning code prohibits the committee from approving a business in an R1 zone when there would be no primary residence located there. Additionally, her business falls under Healthcare as the Zoning Ordinance is currently drafted and is not allowed under a conditional use permit in a R1 zoning area.

There was lengthy discussion between Barbot and the P & Z committee concerning the committee's inability under the zoning code to accommodate Barbot's use of the residential property for her business. ~~It was noted that Barbot questioned if~~ she could seek having her business specifically designated as "Personal Care" rather than "Healthcare" under the ordinance for consideration of a conditional use permit. Council stated that was not an option.

Solem Storage Container Request

Scott Solem was not present for the meeting. There was no new information to provide at this time.

OLD BUSINESS

Bornsen House Update

Brinkman reported that he is still waiting for appraisals. Forms were returned to FEMA today. Once the appraisals are received and averaged, Bornsen can be paid out.

Old Nursing Home

The abatement work is set to begin next week. Brinkman noted that he still needs to draft a contract and get the additional insured documentation before the works starts.

11th Street Zoning and Covenants

Council discussed P & Z's recommendation but no action was taken. There has been some interest in having the lots available for mobile homes.

Fence Ordinance

Tabled

Foundation Detail Update

Brinkman noted that he still waiting on information from the City Engineer. The information will be needed soon as permits for sheds are starting to come in.

C of O Permit Number 6647

Tabled

Ben Lenzen Project

More research is still being done. Gazur recommended going to the legal description for more information.

NEW BUSINESS

Fire Safety Report – Beulah High School

The issues have been resolved. Brinkman made the recommendation to make sure that going forward, similar projects not be approved until a working fire system has been provided.

Union Bank – IBC Plan Review

The cost for the commercial plan review was \$500.

420 Ordinance and Zoning Map Revisions

This is ongoing

Other

Gazur asked about the possibility of getting a group membership to IBC/IRC to allow for more thorough research than what can be undertaken as a non-member. Brinkman will follow-up on what can be arranged.

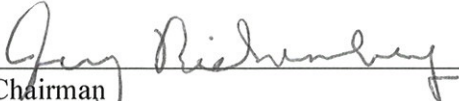
There was further discussion from the April 1, 2021 meeting with legal counsel regarding the amendment of ordinances and their reading of the ND Century Code. Other cities appear to be able to update their zoning ordinances by a text amendment and consolidating changes under the original ordinance rather than making changes through approval of a separate subsequent ordinance. Gazur stated that the committee should consider pushing the issue. Brinkman indicated that he has already had discussions with the Mayor.

Approval of Permits 7751 thru 7766 (See Attached Addendum A)

The project under Permit 7760 is still unpermitted.

Gazur moved approval of Permits 7751 thru 7766 excluding Permit 7760; seconded by Seibel. Motion approved.

Gazur moved to adjourn the meeting at 6:3 pm; seconded by Seibel. Motion carried.


Chairman


Secretary