

The Beulah Planning and Zoning Meeting of June 13, 2022 was called to order at 5:00 pm by Jerry Reichenberg at the Beulah City Hall.

Present: Jerry Reichenberg, Roger Gazur, Gary Miller, Dale Schwalbe, Dustin Buchmann, Brock Seibel

Absent: Chris Renner, Gerald Bieber

Also Present: Heidi Hamelton, Assessor; Beaver Brinkman, Economic Development; Austin Clarys, Western Steel; Kevin Kalvoda, Interstate Engineering; Lyle Yeager, Jan Oihus, Lynnae Weidner, Harlon Weidner

Motion was made by Seibel to approve the May 23, 2022 P&Z Meeting Minutes and May 27, 2022 P&Z Special Meeting Minutes as presented. Schwalbe seconded. Motion carried.

PUBLIC PRESENTATIONS

Harlon and Lynnae Weidner are interested in purchasing Lot 2 in the new 11th Street Addition from Scott Solem. They would like to put a shop building on the property, but they do not own adjacent property, and this lot is zoned R1 Single-Family Residential. They are asking if P&Z would make special consideration before they proceed with purchase of the property. The P&Z Commission does not support allowing accessory structures to be built on residential zoned property without an adjacent residence. Spot zoning would also not be supported for this use. Hamelton read aloud the allowed uses in R1.

OLD BUSINESS

Foundation Detail Update

No update.

Attorney General Inquiry

Gazur presented his research from a Freedom of Information Act request regarding what documentation is required to request an AG opinion. It does not appear that additional documentation has been required of many other AG opinion requests. P&Z will make a recommendation to City Council to have the Assistant City Attorney resubmit the opinion request with the additional documentation. P&Z will also move forward with drafting and submitting text amendments that need to be made to the Zoning Ordinance.

P&Z Ordinance Enforcement Revision Review

No update.

Interstate Engineering revision of district zoning map

The map is almost complete.

Truth Community Church Grading/Storm Drainage Issue

Interstate Engineering met with Mr. Woods. Short-term erosion control was recommended until landscaping and/or grass seeding could take place. It was also recommended that he hold a meeting with his neighbors to address their concerns and keep communication open. Weeds on the property have been sprayed in preparation for landscaping. Jan Oihus owns the property to the east of the church. She believes her property has been taking on more water since the grade was increased on the church property. She also believes the grading encroached on her property. The city permitted the parking restructuring, not landscaping, as that is not required by city ordinance. The drainage swale between the church property and Jan's property was inordinately removed when the parking spots were reconstructed. Hamelton will take some pictures and bring back to the commission.

NEW BUSINESS

Variance Application Review for Fence – Permit #7949 – 719 Fair St SE

The property owner, Jose Cuellar, applied for a fence variance to allow him to place his fence up to his property line. Posts have already been placed on the property line due to an error in issuing the original permit. There is quite a bit of tension between Mr. Cuellar and his neighbor to the west, Lyle Yeager, which is what Mr. Cuellar cites as the hardship basis for his variance application. Mr. Yeager's main concern is potential breach of the property line, which is not under the jurisdiction of the P&Z Commission; it would be a civil matter. Planning and Zoning is not responsible for locating or enforcing property lines. Gazur made a motion to support and recommend City Council granting a variance for fence permit #7949. Schwalbe seconded. If it is determined that the fence needs to be adjusted for the sight visibility triangle, then the property owner will be required to bring the fence into compliance. Roll call vote found all in favor. Motion carried.

Kessler Storage Building Permit Application

Austin with Western Steel presented a set of plans for build a storage building for Kelly Kessler in Lot 2 Blk 1 New Energy Second Addition. A building permit application has been received and they are seeking approval. Kevin with Interstate Engineering reviewed the plans at Hamelton's request, and five missing items were noted:

1. The plans are stamped but not signed.
2. IBC requires at least three of the units be ADA compliant.
3. IBC requires at least one male and one female restroom in the facility.
4. Any building over 12,000 SF needs to have a fire suppression system installed. This building is 12,480 SF
5. IBC requires frost protection per code or footings that extend below the frostline.

Items 2 and 3 are not large concerns. It appears the plans are missing a drainage plan and finished elevations. The site plan provided includes the option for two other buildings and a larger respective site footprint. The plan also does not indicate what material the driving surface will be.

Western Steel would like to waive the frost protected footing requirement due to the building being cold storage with no electricity or heat available.

Based on discussion, P&Z requests that the application review be tabled until Western Steel can provide the following information and/or documents:

1. A revised site footprint for the current building project being applied for with elevations, drainage, and a firewall identified.
2. A request for waiver of ADA, restroom, and frost protection requirements.
3. Plans that are stamped and signed.

A tentative special meeting will be scheduled for Thursday, June 16th at 5:00 PM dependent on Western Steel having updated plans to present.

Modular/Manufactured home vs. Single Family Dwelling

Brinkman asked for verification that a modular home would be allowed on a property zoned R1. A modular home that is placed on a permanent foundation would be equivalent to a stick-built home for insurance purposes. A manufactured, or mobile home, is one that has a steel frame and wheels and is placed on a temporary foundation. Clarification may need to be added to the text of the Zoning Ordinance.

Reichenberg Resignation/New Chair Election

Jerry Reichenberg, the P&Z Chair, submitted his written resignation effective tonight's June 13, 2022 meeting. Gazur entered a motion to nominate Dale Schwalbe as P&Z Chair. Seibel seconded. Roll call vote found all in favor. Reichenberg was thanked for his many years of service and wished well.

PERMIT LIST REVIEW

Hamelton did not have a permit list prepared for review.

Motion to adjourn by Gazur. Buchmann seconded. Motion carried. Meeting adjourned at 7:11 PM.


Chairperson


Secretary