

The Beulah Planning and Zoning Meeting of July 25, 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

Absent: Roger Gazur

Also Present: Heidi Hamelton, Building Official; Beaver Brinkman, Economic Development; Alyssa Meier, Beulah Beacon; Chelsea Stockwell, Rod Schaper, Rebecah Martin, Dan Martin, John Phillips, Toby Heller, Chantel Deavers, Adam Baker, Cassie Kraft, Renee Mozga, Henri Berger; 15+ other citizens

Renner entered a motion to approve June 27, 2022 and July 11, 2022 P&Z Meeting. Bieber seconded. Motion carried.

FENCE VARIANCE APPLICATION HEARINGS

Garman – 116 3rd St NE

The variance application for 116 3rd St NE was presented and discussed. Renner entered a motion to approve the variance to allow a fence to be installed up to the property line as requested and make a recommendation to the City Council to follow suit. Seibel seconded. Roll call vote found all in favor.

Morgenstern

The variance application for 314 6th Ave NW was presented and discussed. Seibel entered a motion to approve the variance to allow a fence to be installed up to the property line as requested and make a recommendation to the City Council to follow suit. Renner seconded. Roll call vote found all in favor.

PUBLIC INPUT

Chelsea Stockwell – Dog Kennel Building Permit Application

Hamelton stated that Stockwell has submitted an application for a building permit with plans, and these plans had been distributed to the commission members by email prior to the meeting. The plans are currently missing a site drainage plan, a footings/foundation plan, and a starting/finish site elevation. These will need to be provided for the application to be considered complete. Hamelton also noted that the application cannot be processed until Stockwell is in possession of a deed for the property, and the use table in the Zoning Ordinance is updated to allow Animal Kennels in Zone C4 – Neighborhood Commercial. It was requested that the list of allowed uses for Zone C4 be read aloud, and Hamelton complied.

Chelsea took the floor and discussed her plans for the \$1.2 million facility that she hopes to obtain a building permit for within Lot 1 Block 1 New Energy Second Addition.

Rod Schaper was given the floor. He stated that he is both in favor of the facility and has reservations. He believes the city needs a kennel, but he has concerns with the proposed location. Rod believes a kennel in New Energy Second Addition may make it difficult to sell the lots in

Barton Estates. He also sees inconsistency between the goals of the P&Z Commission and City Council. He believes there may be other locations better suited for this type of business.

Brinkman commented that another parcel of land was offered to Stockwell, but it does not have any power, sewer, or water right now, so there would be more out-of-pocket expense. The property is also outside of city limits, so the city would not benefit from property tax income.

Rod also expressed concern that the tenants of New Energy Apartments were not contacted for their input. Hamelton expressed that the Zoning Ordinance requires contacting property owners, not property renters.

Rebecah Martin was given the floor. She is the former site manager of the New Energy Apartments and is also a tenant. She is in favor of having a kennel built, but she would like to see it built outside of city limits. She is also representing the property manager from Parkway Apartments, and he is concerned about the impact on his ability to fill vacancies and increased noise.

Henri Berger was given the floor. She is also a tenant at New Energy Apartments. She believes an animal kennel is a good idea, but it needs to be built outside of city limits.

Stockwell requested Hamelton review the memo that was drafted containing three contacts that were made regarding kennels/boarding facilities that were built close to residential areas. Hamelton read the memo to the room, and it was discussed.

Toby Heller was given the floor. He discussed the economic development of the community as being extremely important and voiced his support for the animal kennel.

Chantel Deavers was given the floor. She stated that she has lived very close to an animal kennel before in Texas, and she did not hear any excess noise. She is looking forward to having somewhere to take her husband's service animal. Chantel believes it is an ideal location because it is across the street from the vet clinic.

Adam Baker was given the floor. He stated that he is in favor of the project, but he does not agree with the location. He stated that New Energy Second Addition is currently zoned C4, and the use table does not currently show Animal Kennels as an approved use in Zone C4.

Cassie Kraft was given the floor. She recently came across a stray dog in Beulah and was told by the police department that there wasn't anywhere to take it. She waited for over an hour for someone from the rescue to pick up the dog.

Stockwell stated that she is working with the city to take over city pound services.

Dan Martin was given the floor. He is a resident of New Energy Apartments. It is currently a very quiet environment to live in. He discussed his experience with a boarding kennel he used many years ago. He is concerned about an increase in noise. He believes the opinions of the people living closest should carry the most weight.

Renee Mozga was given the floor. She is in favor of the kennel. She believes Beulah residents need a place to board their animals during vacations.

Christy Mindt was given the floor. She doesn't believe the kennel will impact the marketability of the available Barton Estate lots. She also stated that traffic increases with any type of development that happens within the city. Christy is frustrated that it seems very difficult to get development approved in Beulah.

Rod Schaper was given the floor again. He presented the possibility of changing the location of the green space in Barton Estates so that it becomes the closest property to the proposed kennel site instead of a residential parcel.

Brinkman reminded the room that a majority of the site for the proposed kennel would remain a green space as part of the purchase conditions, and Stockwell would be responsible for maintenance.

Hamelton pulled up the site plan submitted by Stockwell on the screen for everyone to see and it was discussed.

John Phillips was given the floor. He asked about the development plan for the New Energy Second Addition as it is zoned C4.

Brinkman addressed his question. He also stated that the city is looking at reworking Beulah's Comprehensive Plan.

Schwalbe closed public input and thanked everyone for their participation.

OLD BUSINESS

Foundation Detail Update

No update.

Attorney General Inquiry

Submitted, awaiting response.

P&Z Ordinance Enforcement Revision Review

No update.

Interstate Engineering revision of district zoning map

The project is nearing completion. Interstate is making changes to reflect the four new plats recently approved by City Council.

Truth Community Church Grading/Storm Drainage Issue

A sprinkler system has been installed. No other updates.

Zoning Ordinance Text Amendments

Tabled

Sun Valley Builders 2 Cond Use Revision

A conditions revision was presented. Item number one was changed at the request of City Council at the Conditional Use Hearing on July 13, 2022.

Extraterritorial Zone

Bieber is working on getting a meeting set up with the county soon.

Budget Request for Zoning Code Updates

Miller made the request with the City Auditor for \$75,000 with the hopes of receiving at least \$50,000. Brinkman stated that this may need to be a regular budget item to keep the Zoning Ordinance up to date as it is a living document.

IBC Code Adoption by Beulah

Legal has been asked if there is currently an ordinance adopting the state IBC code. Hamelton is awaiting the answer.

Project Updates

The Woods shop building has had a final inspection and has been issued a Certificate of Occupancy. The Hallett roof has had a final inspection. The two buildings that were put up at the Mercer County Fairgrounds had a final inspection and were issued a Certificate of Occupancy pending an electrical inspection and reworking of the drainage plan.

An employee relations meeting was held last Friday, and it will be recommended to City Council that Hamelton's title be changed to City Assessor/Planner/Building Official.

NEW BUSINESS

Boehm Building Permit Application

Vernon Boehm submitted a building permit application. The contractor he wishes to use, Fortified Builders, has let their contractor's license lapse. Boehm is wondering if P&Z would allow him to put up the building himself. There is currently no water or sewer available for this lot. He was also told he would need a drawn plan for the floor drainage along with a foundation plan.

Cole Fence Permit Application

Robert Cole submitted a permit application to install a fence. The Cole's yard is bordered by neighboring fences on two sides, both of which were installed at the property line. The fence will be about 4 ½ feet tall. Discussion determined that the height of the fence is not an issue because the street-side of the fence is set back further than the ordinance requirement. A variance will need to be requested to join the neighboring fences at the property line, and signatures from the two adjacent property owners approving the fence tie-in.

Special Meetings Scheduled

A special meeting has been scheduled for Thursday, August 4th at 5:30 to approve and recommend Ordinance 448, the ordinance to amend the use table in the Zoning Ordinance to include Animals Kennels as an approved conditional use in zone C4, Neighborhood Commercial. The Kessler Storage Conditional Use Permit Application will also have the first hearing at that meeting. The City Council meeting for the first reading of Ordinance 448 will be immediately after at 6:00 on August 4th. Another Special Meeting of the City Council is scheduled for Thursday, August 11th for the Second Reading of Ordinance 448 and the Kessler Storage Conditional Use Hearing.

There is a residence on the corner of 2nd Avenue SE and Front Street SE that may be uninhabitable. Hamelton will look into contacting Custer Health with the concern.

PERMIT LIST REVIEW

Seibel entered a motion to approve the permit list as presented (permits 8011-8013, 8016, 8018, 8020-8021, 8026, 8028-8030). Buchmann seconded. Roll call vote found all in favor. Motion carries.

Ryan Tolosky was introduced. He would like to apply for the open P&Z position.

Motion to adjourn by Seibel. Renner seconded. Motion carried. Meeting adjourned at 6:47 PM.



Chairperson



Secretary