

The Beulah Planning and Zoning Meeting of March 27, 2023 was called to order at 5:05 pm by Beaver Brinkman in Dale Schwalbe's absence at the Beulah City Hall.

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

Absent:

Also Present: Heidi Hamelton, Building Official; Beaver Brinkman, Economic Development; Mike Clarys, Western Steel Builders; Roger Gazur, Scott Buchmann, Kevin Herrmann

Tolosky entered a motion to approve the March 13, 2023 meeting minutes. Renner seconded. Roll call vote found all in favor. Motion carried.

Schwalbe arrived and the meeting was handed over at 5:10 PM.

PUBLIC INPUT

Dana Rathjen was not in attendance.

Western Steel Builders submitted a building permit application on behalf of Scott Buchmann to construct a self-service storage building in the form of a conditional use at the recommendation of Hamelton. This property is located in C2 zoning, and self-service storage is not currently an approved use in that zone. At the previous P&Z meeting, Hamelton presented a proposal for a text amendment to the Zoning Ordinance to add Self-Service Storage as a conditional use with requirements to the use table and it was approved. This building permit application is dependent on the passage of the text amendment. Both the text amendment and conditional use require publication, notification, and two hearings. It was discussed whether to run the amendment and permit processes concurrently or separately. Separately, the conditional use permit process could be complete and issued by the middle of June.

The storage building is 192x30 and will be identical to the other storage building currently on site, with 16 units and a 1.5-2% slope away from building. A drawing showing the drainage and topography is forthcoming. The building will be set back 10' from the side lot line and 6" thickened edge slab for the foundation. The property currently drains in the middle of the lot and then to the south of the property onto an empty lot. The drainage plan will need to be revised so the lot drains to an approved storm sewer or approved public drainage. The storage units do not border the street, so no buffer strip would be required.

Seibel entered a motion to run the text amendment first and then the conditional use permit application. Buchmann seconded. Roll call vote found all in favor.

OLD BUSINESS

Code Revisions/Action Items

Gazur would like to add allowing compensation for P&Z Members, which is currently not allowed in the NDCC. The adoption of the ND State Building Code is on the list already but needs to be formatted and determined where it should be placed in the code.

Ordinance 412 Revision/Zoning Ordinance Text Amendments

A document Seibel prepared with some possible verbiage for landscaping regulations was distributed and reviewed. The definition of the word “nuisance” was discussed. Enforcement and discovery for violations of the property maintenance ordinance are typically triggered by citizen complaints or drive-by observation. The additional requirement of a landscape plan would need to be added to the building permit submittal requirements list in the Zoning Ordinance. The term “undue harm” was suggested as an alternate to nuisance, although it’s still difficult to define and enforce.

Hamelton prepared and distributed a draft of a revised landscaping/buffer strip section for the Zoning Ordinance, and it was explained. The ordinance currently has different landscape/buffer requirements for different uses and zones, without consideration of the reason buffer strips are used, which is to separate commercial and industrial zones and uses from residential zones and uses. The landscape standards don’t include any verbiage about grading and drainage requirements. There was discussion about leaving it to the discretion of the Planning & Zoning Commission. A variance would not be appropriate in many situations because there would not be a hardship present. It was suggested that the word “may” be replaced with “shall” and the draft presented by Hamelton would be acceptable. A list of acceptable trees and shrubs would need to be prepared by the Tree Board for public reference. Seibel made a motion to add this draft with the suggested word change and list from the Tree Board. Bieber seconded. Roll call vote found all in favor. Motion carried.

Dilapidated Buildings Update

The City Building Inspector, Kevin Kalvoda with Interstate Engineering, inspected the south building of Sunrise Studios on Parkway Drive, which is owned by Orange Property Management. Every unit was inspected, not just the unit with the failed roof. The report was read aloud, and all pictures reviewed and discussed. The next step for this property will be an order for abatement to include condemnation and mold assessment. The state has developed a dilapidated building fund that this building may qualify for, but the old nursing home would take priority for funds. Unit 8 and 18 are the worst units in the structure. Most units have extensive mold and water damage. The City Attorney will be presented with this information to move forward in the process.

City Projects Update

The strategic planning list was sent out last week. This is the list that will be used to prioritize projects for the city and will be updated as new projects come up. Funding sources will be looked at and matched with projects on the list.

Chicken Ordinance Update

Hamelton presented P&Z’s recommendation to require commercially available or pre-built kits for coops and it was rejected by the committee. The draft will be presented at the next council meeting with all of the items that were recommended and not included. It was brought up that P&Z members have been approached by citizens who are adamantly against allowing chickens in town for different reasons. One of the requests is to require signature approval by adjacent neighbors. Hamelton said this was presented to the committee as an option to include in the ordinance and was rejected. Any citizens with strong opinions for or against allowing chickens in town should be encouraged to contact their city council representatives and/or attend the city council meeting on April 12th. They could also contact City Hall and their concerns would be directed to the right people. Chicken ownership in extraterritorial zones was questioned; it was determined that those in the first ½ mile are

designated Agricultural zoning, and chickens are not allowed in that zoning district. If they are under county jurisdiction, then they would be subject to county regulations.

Misc. Old Business

There is a new business in town that was discussed at the previous meeting as having set up an office in the same building as a local gym and put up a sign without a building permit. This would also constitute a possible change of use if they are using it as a shop as stated on social media. Brinkman and Hamelton will contact the business owner to get a building permit for a sign and change of use.

NEW BUSINESS

City Income Survey

A map was distributed with the city split into three sections for the purpose of having income surveys done for block grant qualification. Brinkman has been in contact with a company that has agreed to do the surveys for us at no charge; we would only have to pay for postage. There will potentially be two more sections identified for survey. Community block grants could help with funding for infrastructure replacement in the oldest areas of the city. Gazur offered congratulations to Brinkman for taking the initiative to look into this opportunity as it has the potential to greatly benefit the community.

BUILDING PERMITS

Seibel made a motion to approve building permits 8121, 8123, and 8124. Tolosky seconded the motion. Roll call vote found all in favor.

Motion to adjourn made by Seibel. Buchmann seconded. All in favor. Motion carried. Meeting adjourned at 7:00 PM.


Chairperson


Secretary