

**GREATER BEMIDJI AREA  
REGULAR JOINT PLANNING COMMISSION MEETING**

**Thursday, June 23, 2016  
6:00 P.M.**

**Council Chambers, City Hall  
317 4<sup>th</sup> ST NW  
Bemidji, MN 56601**

**AGENDA**

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
  - **Thursday, May 26, 2016 Regular Meeting**

**NEW BUSINESS**

**Public Hearings**

1. **City of Bemidji – IUP-16-80.01017.00 – Upper Mississippi Mental Health ACT** **CB**
2. **City of Bemidji – IUP-16-80. 01017.00 – Face It Together Bemidji** **CB**
3. **City of Bemidji - CUP/V-16-80.00565.00 – House of Prayer** **CB**
4. **Zoning and Subdivision Ordinance** **CM**

**OTHER BUSINESS**

1. **Visitors** **Chair**
  
2. **Upcoming Meetings** **Chair**
  - July 13, 2016            6:00 pm                    JPB Regular Meeting
  - July 28, 2016           6:00 pm                    JPC Regular Meeting
  - August 10, 2016       6:00 pm                    JPB Regular Meeting
  - August 25, 2016       6:00 pm                    JPC Regular Meeting
  
3. **Adjourn** **Chair**

**MINUTES  
GREATER BEMIDJI AREA  
REGULAR PLANNING COMMISSION MEETING**

June 23 2016  
6:00 p.m.

City Hall  
Council Chambers

**CALL TO ORDER:** Chair, Jess Frenzel called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m. Roll call was taken and the pledge of allegiance was recited

**MEMBERS PRESENT:** Berg, Kramka, Steffen, David, Hendricks, Frenzel, Lemmer, Miller, Smith

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

**OTHERS:** Tim Flathers, Joe Czapiewski, Paul Nistler

**APPROVAL OF AGENDA:**

Motion by Lemmer, second by Miller, to approve the Agenda.

Motion carried unanimously

**APPROVAL OF MINUTES:**

Motion by Miller, second by Steffen, to approve minutes from the May 26, 2016 Greater Bemidji Area Regular Joint Planning Commission as written.

Motion carried unanimously

**NEW BUSINESS:**

Chair Frenzel welcomed new Joint Planning Commissioner, Mike Hendricks and new Planning Director, Casey Mai.

**Public Hearing:**

Planning Commission Meeting, June 23, 2016

**Boushee presented the first case as follows:**

**PLANNING CASE – IUP-16-80.0107.00 – Upper Mississippi Mental Health ACT**

Applicant is requesting an Interim Use Permit (IUP) in order to open an Assertive Community Treatment (ACT) facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City. This request falls under Counseling Land Use per GBAJPB Ordinance, and is allowed with an approved IUP.

**BACKGROUND**

The applicant, is the Executive Director of UMMHC responsible for overseeing the programs offered. ACT as stated in the supporting documentation provided by the applicant is, "a form of case management; it is a model for providing comprehensive community-based treatment to persons with severe and persistent mental illness". In summary the ACT team will be made up of a group of professionals specializing in mental health and chemical dependency treatment and support.

Services provided will be continuous or long-term and the intended group of individuals are to be 18 or older with severe psychiatric illness. A major part of services provided will be in the clients home, neighborhood, job, or where they spend the most time. ACT is designed to be mobile and available for the client where needed. All clients are first reviewed before accepted into the program to be sure they fit the services offered.

The main goals of ACT are to eliminate or minimize symptoms of mental illness, eliminating hospital stays and jail time, and enhance the quality of life by providing opportunities to be involved in the community, with employment and other activities.

**PLANNING CONSIDERATIONS**

All Interim Use Permits must follow the same general requirements of a Conditional Use Permit including process, criteria, and findings.

Per the GBAJPB Zoning Ordinance, clinics that provide psychiatric counseling require the issuance of an Interim Use Permit by the JPB. A community cannot use its zoning authority to discriminate against classes of people that it does not want to accept, such as substance dependent persons, individuals with behavioral disorders, etc. Therefore, the use is allowed following a public hearing with conditions to ensure the safety of both the clients of the facility as well as the public. The public has been notified of the proposed use.

**Fire/Engineering**

No concerns were identified by the Fire Department, or Public Works Department.

### Parking and Traffic Circulation

Per GBAJPB code the (UR) district is exempt of all parking requirements. However staff feels employees should be using current downtown city parking lots, and refrain from using on-street parking.

### Trash Handling

The applicant has indicated that a dumpster has been provided in the alley.

### Signage

The applicant has mentioned wanting to have one or two signs on the property. There is existing signage on the property that will need to be removed.

Any new signage will require a sign permit through the GBAJPB. The applicant has expressed interest in a window sign. Per the GBAJPB ordinance window signs that are not accessory to a permitted sign will still require a permit.

G. Window signs. For commercial uses, window signs shall be allowed only as accessory signage to a permitted permanent sign, and shall not be used as the principal wall sign of the business. If a window sign is the primary sign, then a permit is required and applicable sizes will comply.

### Comprehensive Plan References

The proposed use to provide counseling services in the district (UR) district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### Neighboring Property Owner Input

Staff has received no comments or concerns regarding the proposal.

## **RECOMMENDATION**

Staff recommends approval of the Interim Use Permit for Upper Mississippi Mental Health Center to open an Assertive Community Treatment (ACT) facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City of Bemidji, with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 5 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants

shall participate in a review of the IUP.

**Public Hearing opened at 6:14 p.m.**

Applicant provided details of project. ACT will be a branch of UMMHC, will staff 8 professionals, office is expected to be used 2-3 hours daily for staff meeting then staff will disperse into community to provide services for up to 50 clients. It is expected that 1-2 people per day may come to this location for services. Hours of operation are uncertain, so proposing 8:00 – 5:00, and predict occasional Saturday/Sunday visits. Miller asked date of opening and Nistler estimated July 18. Miller questioned use of Mobile Crisis Team. Nistler explained they will work in sync with ACT, but for the first six months will rely on MCT for most crises occurring after regular business hours. Nistler described work with Beltrami County this past year. Goals are to relieve pressure of jail and hospital settings. Frenzel questioned employee parking then stated expectation of keeping building front spaces available for other downtown customers. Miller asked if clients will wait on front sidewalk to enter for services. Nistler stated the main entrance is in the back alley but cannot predict possible gathering. Smith asked if applicant anticipates homeless clientele, and if his staff will work with them when out in the community. Nistler said it is possible but most clients must qualify with one of four main criteria for services. May utilize meetings at the location. Frenzel sought clarification if counseling will be conducted in house. Nistler explained it may occur in emergency situations, and described ability to write prescriptions for after hours emergency. Smith questioned type of medications available on site and if they are at risk for burglaries. Nistler identified security measures of locks, processes, and security system. Kramka asked applicant if the hours of 8 – 5 are too restrictive. Nistler explained it to be unknown as ACT is a 24/7 program and no one can predict a crisis. Discussion about what constitutes hours of operation vs. use of front door access. Kramka urged commissioners not to set applicant up to fail because of these technicalities. Discussion about stipulating hours of operation, or eliminating them.

**Public Hearing closed at 6:28 p.m.**

Motion by Miller, second by Kramka to approve the IUP for parcel 80.01017.00 to open an Assertive Community Treatment (ACT) facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City of Bemidji, with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 5 P.M. after hours counseling shall be permitted, JPB staff shall be informed if operation hours are to

- change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP. A review will occur if complaints are received by staff.
  5. Signage shall be in compliance with ordinances.

And with findings:

**1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

No. The primary concern for the location of mental health therapy facilities is assurance that the facility will not create an unreasonable level of disruption or interference to the surrounding property owners. The UMMHC intends to primarily operate as an out-patient facility with office space for employees, and on-site counseling hours are regulated to ensure the proper staff is present.

**2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No. No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.

**3. Whether the proposed use adversely affects property in the surrounding area.**

No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of an IUP.

**4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan. Per the GBAJPB Zoning Ordinance, mental health counseling clinics are allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

**5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

Yes. The location is serviced by centralized services.

Motion carried unanimously.

**Boushee presented the second case as follows:**

**PLANNING CASE – IUP-16-80.01017.00 – Face It Together Bemidji**

Applicant is requesting an Interim Use Permit (IUP) in order to open a Face it Together facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City. This request falls under Counseling Land Use per GBAJPB Ordinance, and is allowed with an approved IUP.

### **BACKGROUND**

The applicant, Face it Together Bemidji (FIT) will be providing peer to peer recovery services for persons suffering from drug and alcohol addiction in the community. FIT started in Sioux Falls, SD and is currently trying to expand to communities across the Midwest. In summary the FIT staff will be providing peer to peer recovery coaching to those suffering with chemical dependency and/or addiction. Some services will be provided on-site as well as offices for staff to take phone calls. FIT does not provide a clinical or medical counseling service but is attempting to make it easier for those suffering to have someone to trust in to lead them to the correct resources for help, FIT calls this "addiction management services". They plan to help people as well as provide information and awareness to the Greater Bemidji population as well as surrounding employers.

The Bemidji FIT has a board made up of members of the community. The board is made up of people from various professional backgrounds.

### **PLANNING CONSIDERATIONS**

All Interim Use Permits must follow the same general requirements of a Conditional Use Permit including process, criteria, and findings. The main difference between the two is that a CUP runs with the land vs. the IUP which runs with the applicant/owner and has an ending date or event which terminates the permit.

Per the GBAJPB Zoning Ordinance, clinics that provide psychiatric counseling require the issuance of an Interim Use Permit by the JPB. A community cannot use its zoning authority to discriminate against classes of people that it does not want to accept, such as substance dependent persons, individuals with behavioral disorders, etc. Therefore, the use is allowed following a public hearing with conditions to ensure the safety of both the clients of the facility as well as the public. The public has been notified of the proposed use.

### **Fire/Engineering**

No concerns were identified by the Fire Department, or Public Works Department.

### Parking and Traffic Circulation

Per GBAJPB code the (UR) district is exempt of all parking requirements. However staff feels employees should be using current downtown city parking lots, and refrain from using on-street parking.

### Trash Handling

The applicant has indicated that a dumpster has been provided in the alley.

### Signage

The applicant has mentioned wanting to have various signs on the property.

Any new signage will require a sign permit through the GBAJPB, as well as meet GBAJPB ordinances.

### Comprehensive Plan References

The proposed use to provide counseling services in the district (UR) district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### Neighboring Property Owner Input

Staff has received no comments or concerns regarding the proposal.

## **RECOMMENDATION**

Staff recommends approval of the Interim Use Permit for Face it Together Bemidji to open a peer to peer addiction support facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City of Bemidji, with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 7 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.

**Public Hearing opened at 6:44 p.m.**



Applicant Margot Kelsey, program's Executive Director, is unsure of hours of operation but expects Monday through Saturday later on. She described how the program started in Souix Falls SD in 2009. Since then measurable and data have been created, showing it to be a self sustaining model. Addictions have a social stigma which is a barrier to treatment, as well as costs. This program has a 60% long term recovery rate, Alcohol Anonymous claims 4-7% best rate of success. All peer to peer leaders are in recovery themselves. Miller asked applicant if counselors are LACD's. Kelsey said they are not, and that creates greater trust. Discussion about hours of operation of 8:00 -7:00 being sufficient, but applicant would like to offer other things in the community. Frenzel asked about staff being on call. Kelsey explained they are not, and that a security measure of two staff in house at all times is protocol. Lemmer questioned if FIT is considered a drop in center. Kelsey stated that the doors are open to anyone, and offers help with all aspects of life. Staffing will depend on client numbers. Miller asked if Kelsey will get referrals such as DWI's. Kelsey hopes to have as resource. Goal is to create a system that whatever program helps the client, tools can be provided. David questioned waiting on street, group events and parking control. Kelsey does not have group sessions planned, but they will occur eventually, and parking is not expected to be a problem as people have a stigma and do not want to be seen parking in front. Does plan for a waiting area for clients. Smith asked if FIT will be physically separated from UMMHC program. The two programs are separated, but do share the public restrooms.

**Public Hearing closed at 6:56 p.m.**

Motion by Lemmer, second by Steffen to approve an IUP for Face It Together with conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. FIT and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 7 P.M. Monday through Saturday, after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP. A review will occur if complaints are received by staff.
5. Signage shall be in compliance with ordinances.

And with findings:

**1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

No. The primary concern for the location of mental health therapy facilities is assurance that the facility will not create an unreasonable level of disruption or interference to the surrounding property owners. FIT intends to primarily operate as an out-patient facility with office space for employees, and on-site counseling hours are regulated to ensure the proper staff is present.

**2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No. No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.

**3. Whether the proposed use adversely affects property in the surrounding area.**

No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of an IUP.

**4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan. Per the GBAJPB Zoning Ordinance, mental health counseling is allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

**5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

Yes. The location is serviced by centralized services.

Motion carried unanimously.

**Boushee presented the third case as follows:**

**PLANNING CASE – CUP/V-16-80.00565.00 – House of Prayer**

Applicant is requesting a conditional use permit for the operation of a religious institution to be located in the former Newman Center, 1701 Birch Lane SE. The applicants are also requesting a variance of 33 of the required 37 off street parking spaces.

## **BACKGROUND**

The Greater Bemidji Area Zoning Ordinance allows for religious institutions to be located in most zoning districts with the approval of a conditional use permit. A conditional use permit allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a way to minimize any potential impact the use may have.

Although the use of this property is currently a religious institution, a conditional use permit was never approved for this institution as it was adopted into the ordinance as a legal non-conforming use. With the building changing ownership to another religious institution it is unknown to JPB staff whether this will be an intensification of land use. Therefore staff is requesting the applicant go through the public hearing process to become a legal land use.

The JPB ordinance requires one parking space per four seats upon maximum capacity. The applicant has informed us that approximately 130 people will fit into the sanctuary, the CUP application states that 150 people may occupy the building at one time. The additional 20 is expected to be children that could be downstairs during service. This would require 37 parking spaces, the site plan shows the ability to provide four parking spaces. The applicant is then requesting a variance for 33 parking spaces.

## **PLANNING CONSIDERATIONS**

The area surrounding the site is a mix of Bemidji State University campus and Residential, with campus on all sides except the southwest. A CUP is required for a religious institution to operate in any zoning district that allows this use with a CUP. Any use of this property would most likely require a variance for parking requirements. If the applicant were to attempt to meet parking requirements, a variance for required green space would most likely be needing approval as well as an additional CUP for removal of high quality significant trees.

### **Fire/Engineering**

No concerns were identified by the Fire Department, or Public Works Department.

### **Parking and Traffic Circulation**

The parking requirement is one space for every four seats per maximum capacity. For this structure the total required spaces is 37. The site plan provides for four spaces. With the applicant requesting a variance of 33 spaces.

Staff feels on-street parking on Birch LN NE and 17th ST NE would be sufficient as it is understood that Sunday mornings will be the only consistent time the church will operate potentially at full capacity. 56 on-street parking spaces could potentially be available along these streets within 500' of the front door of the building.

#### Trash Handling

The applicant has not indicated that any new trash receptacle would be located at the building. Any location for a dumpster will need to have an enclosure built around it.

#### Lighting

The applicant has not indicated that there will be any additional lighting added to the existing structure. Any additional lighting that would be added would need to conform to the JPB's requirements.

Lighting shall be directed downward in order to minimize adverse impact on surrounding properties and rights-of-way.

#### Signage

The applicant has mentioned wanting to have one or two signs on the property. There is existing permitted signage for the Newman Center on the property that will need to be removed.

Any new signage will require a sign permit through the GBAJPB.

#### Comprehensive Plan References

The location of a church in a university campus that has had an existing presence is compatible in the U District, along with the close proximity to a moderate density residential district. The campus and the religious institution will likely create traffic patterns at alternate times. Campus occupies its busiest stretches Monday through Friday mornings and afternoons, as House of Prayer intends to be busy on Sundays with some evening after school programs. The proposed use of a church in the district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

#### Neighborhood Comments

No formal neighborhood comments were received. I did receive a phone call to verify the location, they offered up support for the House of Prayer. Also, I received one e-mail just to verify location.

## **RECOMMENDATION**

Staff recommends approval of a Conditional Use Permit to allow the operation of a religious institution to be located in the former Newman Center in the (U) University District with a variance for parking requirements subject to the following conditions:

1. Parking lot will be paved and striped according to site plan submitted to JPB.
2. Existing four parcels shall be combined into one parcel.
3. A sign permit will be obtained before any new signs are placed on the property, existing Newman Center signage will be removed before permit is issued.
4. All future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. If a dumpster is brought on site it shall be fully enclosed as required by the GBAJPB Zoning & Subdivision Ordinance.
6. Any future additions to this structure must be approved by GBAJPB staff.

### **Public Hearing opened at 7:12 p.m.**

Applicant, Pastor Mike Knott, thanked the commission for their diligence to the community. Frenzel stated a condition should be made stipulating no services on a weekday. Miller agreed as parking spaces serve college students. Kramka asked applicant how services such as funerals and weddings are usually handled. Knott has been a pastor for 13 years and has only conducted 3-4 funerals. It's not a common issue for this young church. Knott plans to continue serving as a church with a campus focus but also maintain itself as a community church. Frenzel clarified that a CUP runs with the land, so any conditions put in place need to carry on to other churches in the future. Discussion about available space for creating more parking spaces, but it would then increase the pervious percentage and decrease trees and green space. Lemmer stated that most weddings would be for current members who are aware of limited space and parking. Discussion about regulating hours of services, and scheduling gatherings. Knott stated that they do not anticipate large crowds during the week as they do not have planned weekday events. Knott wants to be a good citizen and thinks long term thinking about the site is important. Frenzel offered JPB staff as a reference if ever in doubt of possibly violating ordinances. Smith clarified the proposed use is permitted in the University zoning area. Realtor/Broker Bob Kiewatt spoke about his BSU student experience and feels a big deal is being made over parking, and the problem will work itself out.

### **Public Hearing closed at 7:31 p.m.**

Motion by Steffen, second by Lemmer to approve a CUP for the operation of a religious institution located in the former Newman Center, 1701 Birch Lane SE with the following conditions:

1. Parking lot will be paved and striped according to site plan submitted to JPB.
2. Existing four parcels shall be combined into one parcel.
3. A sign permit will be obtained before any new signs are placed on the property, existing Newman Center signage will be removed before permit is issued.
4. All future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. If a dumpster is brought on site it shall be fully enclosed as required by the GBAJPB Zoning & Subdivision Ordinance.
6. Any future additions to this structure must be approved by GBAJPB staff.

And with findings:

**1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

No. An existing religious institution was currently using the parcel, this one is expected to be similar, and is consistent with the goals and policies of the JPB Land Use Plan.

**2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No. Increases in traffic or other negative impacts are not anticipated. On-street parking is abundant in this area and already used by the campus, alternating schedules by campus and House of Prayer will decrease the chance of an increase in traffic congestion.

**3. Whether the proposed use adversely affects property in the surrounding area.**

No. An existing religious institution was currently using the parcel, this one is expected to be similar, and is consistent with the goals and policies of the JPB Land Use Plan

**4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan.

**5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

Yes. The property is served by city services.

Motion carried unanimously.

Planning Commission Meeting, June 23, 2016

Motion by Berg, second by Kramka to approve a variance for 33 of the required 37 off street parking spaces located at the former Newman Center, 1701 Birch Lane SE without conditions but with findings:

**1. Has the applicant demonstrated a practical difficulty?**

The site is located on a small lot in regards to the University Zoning District. The lot size would not allow for the creation of a parking area without a significant loss of trees and green space.

**2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

The site is located on a small lot in regards to the University Zoning District. The lot size would not allow for the creation of a parking area without a significant loss of trees and green space.

**3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Avoiding the removal of green space and significant trees is in keeping with the spirit, purpose and intent of the zoning ordinance.

**4. Can the variance be granted without altering the essential character of the surrounding area?**

The campus area is already designed for the assemblage of large groups of people.

Roll call vote:

Ayes: Smith, Lemmer, Steffen, Kramka, Berg

Nays: Miller, Frenzel, Hendricks, David

Absent: None

Abstain: None

Motion carried.

**Mai presented the fourth case as follows:**

**ZONING AND SUBDIVISION ORDINANCE**

Mai presented the zoning updates as reviewed and approved by the JPB attorney.

Motion by Lemmer, second by Smith to approve the 2016 updates of the Zoning and Subdivision Ordinance and send to the Joint Planning Board for final approval.

Motion carried unanimously.

**OTHER BUSINESS:**

Lemmer requested staff include front yard setbacks in the 2017 ordinance update session.

**UPCOMING MEETING DATES:**

July 13, 2016	6:00 pm	JPB Regular Meeting
July 28, 2016	6:00 pm	JPC Regular Meeting
August 10, 2016	6:00 pm	JPB Regular Meeting
August 25, 2016	6:00 pm	JPC Regular Meeting

**ADJOURNMENT:**

There being no further business, motion by Lemmer, second by Steffen to adjourn the Regular Planning Commission meeting at 7:40 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball

Planning Assistant

Approved and attested by: \_\_\_\_\_

  
Joint Planning Commission Representative