

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

**Thursday, August 24, 2017
6:00 P.M.**

**Council Chambers, City Hall
317 4th ST NW
Bemidji, MN 56601**

AGENDA

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
 - **Thursday, July 27, 2017 Regular Meeting**

NEW BUSINESS

Public Hearings

1. **City of Bemidji: V-17-80.05735.00 & 80.05736.00**– GM Development, LLC **CB**
2. **Northern Township: Z-17-31.00675.00** – 4B Properties, LLC **CM**
3. **City of Bemidji: Z-17-80.01448.00**– Lutheran Campus Ministry Bemidji **CB**

OTHER BUSINESS

1. **Visitors** **Chair**
2. **Director Report** **CM**
3. **Upcoming Meetings** **Chair**
 - **September 13, 2017 6:00 pm** **JPB Regular Meeting**
 - **TBD 6:00 pm** **JPC Regular Meeting**
 - **August 9, 2017 6:00 pm** **JPB Regular Meeting**
 - **August 24, 2017 6:00 pm** **JPC Regular Meeting**
4. **Adjourn** **Chair**

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

August 24, 2017
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair Nicki Lemmer 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, Faver, Steffen, David, Lahn, Lemmer, Smith

MEMBERS ABSENT: Hendricks, Miller

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: 4B Properties LLC, J.R. Borchert, M.J. Naylor, Tim Megorden, Howie Zetah, Wayne Gadberry, Dave Landgrebe, Brian Freeberg, Matt Murray, Ann Van Buren, Kathie Current

APPROVAL OF AGENDA:

Motion by Smith, second by Steffen, to approve the Agenda as presented.

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Steffen, second by Smith, to approve minutes from the July 27, 2017 Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

Public Hearing:

Boushee presented the first case:

PLANNING CASE – V-17-80.05735.00 & 80.05736.00 – GM Development LLC

The applicant is requesting a variance from Section 1009 of the JPB ordinance in order to use Crushed Concrete Class V Gravel in lieu of bituminous pavement, concrete, or equally durable surface for a maximum of 41,618 Square Feet of proposed improved surfacing. Located in the (I-1) Light Industrial Zoning District in the City of Bemidji due west of the intersection of Corrigan Ave SE and Herrington Ave SE legally described as Block 3 Lot 8 & 9 of the Second Addition to Industrial Park Plat.

BACKGROUND

The applicant is proposing a trucking terminal cross-deck operation for Magnum Trucking at this currently vacant location. Warehouse and distribution is a permitted use in the (I-1) Light Industrial Zone. After discussing the proposal to use an alternate improved surface from the JPB ordinance through e-mail, a meeting was setup on July 20, 2017 to discuss the proposal and to learn more about Magnum Trucking. Meeting minutes from this discussion are provided in this report packet.

Magnum trucking is located throughout the Midwest with sixteen (16) locations and five (5) companies which employ 850 people. The Bemidji Terminal will have a twelve (12) door loading dock and employ six (6) to ten (10) people, with anticipation of expansion within three (3) years.

The applicant and representatives expressed concerns over the timeline of the variance, economic considerations over cost of pavement, and JPB requirements compared to like sized communities that would not require pavement for the proposed use of low volume heavy truck traffic.

PLANNING CONSIDERATIONS

Recent land development in the Second Addition to Industrial Park has consisted of development in the distribution industry including Coca-Cola, Frito-Lay, Fed-Ex, and Spee-Dee. These four properties have been developed in accordance with bituminous or concrete surface driving, parking, and loading areas. This has been the recent development trend for the industrial park for this type of land use.

Other recent land development was the Minnesota Limited Complex occupying the southerly most properties of the Industrial Park. A very large gravel surface was administratively approved for this development for the sole use of exterior storage of heavy equipment, pipe, and pipeline equipment. This was to be low traffic and not to be used as a consistent maneuvering area for distribution. In the event of a large project in the area heavy use of this could be anticipated in the short-term. JPB staff does not

consider this proposal to be similar to the Minnesota Limited proposal for the use of gravel for exterior storage only.

Improved Surfacing Requirements

Section 1009 of the JPB ordinance requires that all parking, loading, and driving areas be surfaced with bituminous pavement, concrete or an equally durable surface. Durable surfaces are required for multiple reasons including; stormwater management reducing the amount of sediments traveling to stormwater management areas; air quality reducing dust and fine particles entering the air effecting surrounding land uses; controlling the continuous expansion of parking areas; and to ensure parking areas are in aesthetically pleasing condition and not full of rutting, water pockets, and unwanted vegetation.

The proposed portion of this lot requested to be surfaced with crushed concrete class five gravel is not for the sole purpose of exterior storage, it is also for the maneuvering of semi's and trailers around the site. The applicant did inform us that up to approximately six (6) trailers will be stored on the gravel area at a time, and not for an extended period or long term. The applicant has indicated that trailers are usually stored for around eighteen (18) hours before pick up.

An alternative was discussed to allow for a trailer storage area that was screened on three (3) sides using vegetation, fencing, or a combination to mitigate the potential issues caused by large gravel surfaces. If it was for the sole purpose of exterior short-term storage of trailers accessory to the business and only large enough for the approximately (6) trailers a variance would not be required. The applicant was informed that the semi-trailers or other containers are not to be used as storage for the business, but may be stored on site short-term as part of this type of business. This alternative was discussed to mitigate the concern of stored trailers sinking through pavement on hot summer days.

Stormwater and Drainage

A preliminary grading and drainage plan was submitted with the application to demonstrate the potential plan for stormwater runoff. A final engineered grading plan will need to be approved by City of Bemidji engineering staff. To the best of my knowledge the grading and drainage plan does not take into account the difference in surface materials whether that be gravel or pavement and assumes entire area as an impervious surface as JPB ordinance would classify it.

The preliminary grading proposal is planned to grade for the potential expansion of the building and to ensure all stormwater runoff from areas with gravel will drain into vegetation areas within the drainage easements and not toward City of Bemidji streets and storm sewers.

Transportation

The applicant is requesting two (2) forty-five (45) foot wide ingress/egress points to Corrigan Ave SE. Access and size of access to roadways is up to the local road authority to decide, in this case the City of Bemidji engineering and streets department will review the final engineering plans and proposal for ingress/egress location and provide recommendation to the applicant.

Landscaping

A landscaping plan has not been submitted as part of this request. The minimum standards for this location are seven (7) trees along the street frontage and nine (9) trees required in total throughout the site. A final landscaping plan would need to be submitted before final project approval and construction start.

Overall Development

All other performance standards such as lighting, signage, screening, exterior storage will be reviewed for compliance before final project approval and construction start.

Development Team (Public Works / Engineer; Building Official; Fire Department)

No concerns were brought up from fire, engineering, or building in regards to their respective requirements. As they felt the outcome of this request may change to final proposed site plan, they would prefer to review the final submittal. A final grading and drainage plan submitted by an engineer will need to be approved by city engineering department, a final site plan will need to be approved by JPB and the fire department, and final architecture plans will need to be approved by the building department and fire department before any construction can commence.

Neighborhood Comment

At the time of writing this report JPB staff received one letter from a neighbor requesting that this variance not be approved as it will compromise the land values of other investors located in the Industrial Park, and they chose to develop in their location because of the high standards and regulation enforced.

A letter was also received from the Bemidji Development Corporation (BDC) stating they collectively feel that a variance is appropriate and they understand and agree with the concerns of GM Development LLC. The BDC was created to add to the Bemidji tax base and increase jobs for the Greater Bemidji Area.

A copy of both letters are provided in the planning packet.

Comprehensive Plan References

This request is not in keeping with Greater Bemidji Area Land Use Plan as the granting of a variance from the improved surface requirements is not promoting best planning practices in the implementation of the ordinance and land use plan nor is it in keeping with the spirit and intent of the of the land use ordinance, ensuring uniform development throughout the regulation developed for the various zoning districts of the Greater Bemidji Area.

RECOMMENDATION

Staff recommends the denial of a variance from Section 1009 of the JPB ordinance in order to use Crushed Concrete Class V Gravel in lieu of bituminous pavement, concrete, or equally durable surface for a maximum of 41,618 Square Feet of proposed improved surfacing. Located in the (I-1) Light Industrial Zoning District in the City of Bemidji due west of the intersection of Corrigan Ave SE and Herrington Ave SE legally described as Block 3 Lot 8 & 9 of the Second Addition to Industrial Park Plat.

Public Hearing opened at 6:18 p.m.

Wayne Gadberry supplied the commissioners with printed reply to staff recommended denial, along with site plan of Willmar facility. He summarized his practical difficulties into categories of reasonableness, uniqueness, keeping with spirit and purpose of zoning ordinance, and altering the essential character of the surrounding area. Further, he stated his eagerness to come to Bemidji and to add jobs. Commissioner Smith asked if expansion occurs will applicant use bituminous or gravel. Gadberry stated concrete would be used primarily but bituminous would cover remaining area. Further, Smith supports staff recommendation and does not see a need for the variance request. Dave Landgrebe supports the variance, as does the Building Development Corporation (BDC) board, and has concern that without this variance the sale of future lots in the industrial park will be effected. Commissioner Faver asked if BDC would encourage a change to the current ordinance to which Landgrebe affirmed, and further stated the BDC covenants are similar to the ordinance but are not enforced. Commissioner Faver asked if this type of request is a recurring issue for the JPC. Commissioner Smith replied that last month an applicant was required to pave the lot around his new business. Matt Murray urged the use of reasonableness, referenced the phrase "intent to accommodate industrial use" as found in the comprehensive plan, supported the parking standard as not having an effect in the public, and argued that crushed concrete meets the definition of "equally durable surface." Howie Zetah asked the commissioners to consider the applicant's request as it is reasonable and makes sense. Further, Zetah stated an understanding for removing economics from the decision, but argued any businessman would consider the cost difference.

Public Hearing closed at 6:44 p.m.

Public Hearing re-opened at 6:53 p.m.

Commissioner Steffen questioned applicant's interest in a stipulation agreement that would require the area be paved within 3-6 years if business expands. Gadberry stated 10 years would be more reasonable, and clarified not considering the screened parking option because he cannot maneuver large trucks with fencing inside the perimeter. Commissioner Lahn asked if Gadberry is willing to commit to a Developers Agreement, to which Gadberry affirmed.

Public Hearing re-closed at 7:00p.m.

Motion by Steffen, second by Smith to deny a variance from Section 1009 of the JPB ordinance in order to use Crushed Concrete Class V Gravel in lieu of bituminous pavement, concrete, or equally durable surface for a maximum of 41,618 Square Feet of proposed improved surfacing for parcels 80.05735.00 and 80.05736.00, and request the JPB to create a development agreement with a 10 year clause for paving or removal of crushed concrete, with the following findings of fact:

1. **Has the applicant demonstrated a practical difficulty?**
No. The use of an alternate to concrete, paver, or equally durable surface for a warehouse and distribution trucking service driving and maneuvering area does not constitute a practical difficulty for reasons other than the higher cost of required surfaces. The required surfaces can be designed or engineered to handle the heavy truck traffic.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
No. This is a large vacant currently undeveloped lot without any unusual constraints.
3. **Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**
No. A variance from the improved surface requirements is not promoting best planning practices in the implementation of the ordinance and land use plan, nor is it in keeping with the spirit and intent of the of the zoning ordinance.
4. **Can the variance be granted without altering the essential character of the surrounding area?**
No. Recent similar use development through the Second Addition to Industrial Park has been constructed with surfaces meeting the requirements of the JPB ordinance.

Roll Call Vote:

Ayes: Smith, Lemmer, Lahn, David, Steffen, Faver, Berg

Nays: None

Absent: Miller, Hendricks

Abstain: None

Motion carried unanimously.

Mai presented the second case:

PLANNING CASE – Z-17-31.00675.00 – 4B Properties, LLC

Applicant is requesting to rezone their property located at 1612 Balsam Road NW in Northern Township from a (R-1) Rural Zoning District to a (B-1) Low Density Commercial Zoning District for the use of a mini-storage warehouse facility.

BACKGROUND

This type of land use is currently not allowed in the R-1 district per Section 302 of the GBAJPB Zoning & Subdivision Ordinance. This use is allowed through the approval of a Conditional Use Permit (CUP) in the (B-1) Low Density Commercial District and the (B-2) General Commercial District, and is a permitted use within the (I-1) Light Industrial and (I-2) General Industrial Districts. The applicant's existing lot is currently being used as a residential homestead that is rented out, is roughly 12.88 acres, and is positioned west off of Highway 71.

PLANNING CONSIDERATIONS

A mini storage facility should only be approved if found to be in harmony with the zoning ordinance and the GBAJPB land use plan. Mini storage units are often found in both rural and urban settings. A site made up of mini storage units is similar in nature to a low density rural site made up of multiple machine sheds storing equipment.

When reviewing zoning requests it is imperative to ensure that "spot zones" are not created. Spot zoning allows for a particular parcel of land to have land uses differing from land uses allowed in adjacent and small regional areas, and is likely a deviation from the land use plan.

Adjacent Zoning and Land Use

The proposed development is surrounded by primarily rural residential to the north and west, with rural residential and low density commercial to the south. Directly to the east is Highway 71 and east of the highway is primarily low density commercial or rural residential.

JPB staff does not anticipate mini-storage generating any hardship on the surrounding land use and will be compatible with surrounding land uses as this type of use is

considered a low density development and would still preserve the predominantly rural residential character.

Alternative Options

Another alternative option that was contemplated for this property was doing a zoning ordinance text amendment that would allow a (R-1) Rural Zoning District to have mini-storage warehouse facilities through the approval of a Conditional Use Permit (CUP). If this alternative was put in place, JPB staff would recommend a policy with special provisions be added to the ordinance under Article X Performance Standards for mini-storage warehouse facilities pertaining to each zoning district that would allow these facilities.

Development Team (Fire Department; Beltrami County)

The fire department had no concerns with this request for fire safety.

Neighborhood Comment

One neighbor brought up concern on whether this use would create more traffic along Blueberry LN NW and if this property was to be zoned commercial would it have an impact on the value of their property.

Comprehensive Plan References

This type of use for this property is consistent with the goals and policies of the GBAJPB Land Use Plan as long as we guide the future growth and development as well as protect and conserve the value of land throughout the Greater Bemidji Area, and the value of buildings appropriate to the various districts established by the GBAJPB Ordinance.

RECOMMENDATION

Staff recommends approval to rezone the property located at 1612 Balsam Road NW in Northern Township from a (R-1) Rural Zoning District to a (B-1) Low Density Commercial Zoning District for the use of a mini-storage warehouse facility. Conditions are not placed on rezone actions.

Public Hearing opened at 7:40 p.m.

Tammy and Mark Kuchenmeister stated their intentions are to build a professional, quiet, state-of-the-art storage facility and would willingly commit to an agreement that they will not flip the property. Further, they feel directional signage would over-come problems for Blueberry Lane traffic, and this use would add a service to the growing community.

Public Hearing closed at 7:43 p.m.

Public Hearing opened at 7:45 p.m.

Mark Kuchenmeister stated that some of the R-1 approved uses are very intrusive and this use supports their goal of being good neighbors.

Public Hearing closed at 7:46 p.m.

Motion by Steffen, second by David to approve the rezone located at 1612 Balsam Road NW in Northern Township from a (R-1) Rural Zoning District to a (B-1) Low Density Commercial Zoning District for the use of a mini-storage warehouse facility with findings:

1. **Whether the change in classification would be consistent with the intent and purpose of this Ordinance.**
Yes. Whether this property is zoned (B-1) low Density Commercial or (R-1) Rural, a mini-storage facility is consistent with the interest and purpose of the Ordinance as these facilities are often low density development and low intensity uses and found in rural and urban settings to meet the demand of all clientele.
2. **Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.**
Yes. Mini-storage facilities are compatible in this area as it's made up of rural residential and low density commercial. Other mini-storage warehouse facilities reside less than a mile to the northeast off of Highway 71.
3. **Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.**
No. Municipal services do not exist at this location; however, the site currently does have a well and septic. Public services would not be needed at this location for a mini-storage warehouse facility. This property would be required to meet all stormwater requirements through the CUP process.
4. **Whether the proposed amendment would correct an error in the application of this Ordinance.**
No. This is not a correction. However, through the comprehensive planning process, this area is being examined and property along the Highway 71 corridor is anticipated to be developed into a low density commercial in the future as development continues to sprawl outwards from the City of Bemidji.
5. **Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions**
No; however, the Greater Bemidji Area continues to change as development continues to sprawl outwards from the City of Bemidji. As development occurs, future land use changes as well as amendments to the ordinance that

would essentially permit this type of development in a rural setting. For this proposed location along Highway 71, a mixed-use of low density commercial and residential is spread out along the highway.

Roll Call Vote:

Ayes: Berg, Faver, Steffen, David, Lahn, Lemmer, Smith

Nays: None

Absent: Miller, Hendricks

Abstain: None

Motion carried unanimously.

Boushee presented the third case:

PLANNING CASE – Z-17-80.01448.00 – Lutheran Campus Ministry Bemidji

Lutheran Campus Ministry of Bemidji is requesting to rezone their property located at 1221 Birchmont Dr. NE in the (R-4) Moderate Density Residential Zoning District in the City of Bemidji to the (U) University Zoning District.

BACKGROUND

Lutheran Campus Ministries will be celebrating sixty (60) years of campus ministries in 2018. The center has been primarily used for staff office space, to create programs for hospitality and faith formation for students and faculty, and to offer residential accommodations for up to six (6) student leaders.

The ministry would like to continue to expand their ability to serve the campus as well as the neighborhood, and the Bemidji Community as a whole. Modeled after a University of North Dakota project where the Lutheran Campus Center incorporated a coffee shop into their building to create an increase in hospitality interaction between, students, faculty, and the neighborhood. Study, food, and fellowship programs will continue to be the central focus of the ministry and the ministry would like to expand the uses and potentially the building to better accommodate their focus. The ministry has no plan to expand the amount of residential housing in the building.

The current land use is a non-conforming use for the (R-4) Moderate Density Residential zone. In planning for their future the ministry felt the mix of uses allowed in the (U) University zone will be better suited for their future plans.

The proposed zoning change does not bring the land use into conformity with the ordinance, but it is a step in the right direction. At the time a change in land use or a building expansion request is submitted the property will need to become compliant with the ordinance or a variance will need to be granted. The current plan would require setback variances, but would not encroach any further than what is existing. A request for impervious surface may also be necessary as this property is within the shoreland
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overlay. Parking is also a concern and the applicant has started conversations with Bemidji State University (B.S.U.) for the potential use of parking in the Bangsberg parking lot across Birchmont Dr. A conditional use permit will also be required to continue the operation of a religious institution.

At this time this request is only to determine whether or not this property would fit more appropriately in the (U) University zone.

PLANNING CONSIDERATIONS

Adjacent Zoning and Land Use

Currently the property is surrounded by (R-4) Moderate Density Residential zoning and single family homes with a mixture of owner-occupied and rental housing on the west side of Birchmont Dr. NE. To the south of the property is (R-5) High Density Residential zoning that is predominantly rental housing with a mix of single-family homes and duplex and triplex units. To the west of the property is (U) University zoning with the Bangsberg Hall and Bangsberg parking lot.

From 12th St NE heading north along Birchmont Dr NE to 16th St NE only three (3) properties remain adjacent to Birchmont Dr NE that are single family homes. The other properties are a city park and buildings owned by B.S.U. serving the campus. All of these areas except the single family housing was considered Institutional consistent with the university campus on the 2025 Future Land Use map.

Lutheran Campus Ministries has been serving the campus for nearly sixty (60) years and continues to be a part of the campus and neighborhood. Continued expansion of uses serving the neighborhood and university campus is not anticipated to have an adverse effect when considering the intensification of land use in the area.

Other non-university owned properties located in the (U) University zoning district include the House of Prayer church located on Birch Ln NE, the MnDNR campus located on Bemidji Ave N and 23rd St NE, and Diamond Point Park located north of main campus.

The university district and university overlay were created to accommodate the mix of residential and commercial uses that come with a secondary educational institutions and unique development needs without compromising the character evident in the existing structures.

Development Team (Public Works / Engineer; Building Official; Fire Department)

At this time there no comments regarding the concern of the rezoning request were received.

Neighborhood Comment

One neighbor brought up a concern regarding whether or not the property would be held to rules enforced by B.S.U. and if they will pay taxes. The neighbor was informed that the building will still not be owned by B.S.U. and that taxation is a question for assessment not the use of land.

Comprehensive Plan References

The current 2025 Future Land Use Map in the GBAJPB Land Use Plan has the areas along Birchmont Dr. NE as an Institutional land use consistent with the land use of the campus. This request is in keeping with the spirit and intent of the comprehensive plan.

RECOMMENDATION

Staff recommends approval to rezone the property located at 1221 Birchmont Dr. NE in the (R-4) Moderate Density Residential Zoning District in the City of Bemidji to the (U) University Zoning District.

Public Hearing opened at 7:53 p.m.

Rev. Tim Megorden spoke of the history and commitment of LCM, as well as their focus of hospitality in a safe gathering space. The proposed use allows for study, conversation, social exchange, and worship in a coffee house environment. It will also be an intersection for community service opportunities. Roger Heger is a rental property owner and is in favor of entrepreneurs as long as they pay taxes.

Public Hearing closed at 8:07 p.m.

Motion by Lahn, second by Steffen to approve rezone of property located at 1221 Birchmont Dr. NE in the (R-4) Moderate Density Residential Zoning District in the City of Bemidji to the (U) University Zoning District with findings:

- 1. Whether the change in classification would be consistent with the intent and purpose of this Ordinance.**
Yes. The future land use map anticipated for this property to continue serving the campus.
- 2. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.**
Yes. University land uses are compatible in this area.
- 3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.**
Yes. Municipal services are existing including, sewer, waste water, streets, and stormwater.
- 4. Whether the proposed amendment would correct an error in the application of this Ordinance.**
Yes. The future land use map was anticipating this to be zoned consistent with the university.
- 5. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.**

No. The area has not changed drastically and similar uses are anticipated to remain on this property.

Motion carried unanimously.

OTHER BUSINESS

None

DIRECTOR REPORT:

Mai summarized recent planning cases, and detailed development projects. Also proposed Annual Fall Tour. Possible dates will be in upcoming Doodle Poll. Minnesota APA Conference coincides with September JPC meeting, so it was decided to reschedule meeting one week earlier.

UPCOMING MEETING DATES:

September 13, 2017	6:00 pm	JPB Regular Meeting
September 21, 2017	6:00 pm	JPC Regular Meeting
October 11, 2017	6:00 pm	JPB Regular Meeting
October 26, 2017	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Steffen, second by Smith to adjourn the Regular Planning Commission meeting at 8:21 p.m.

Motion carried unanimously.

Respectfully submitted.
Terri Ball, Planning Assistant

Approved and attested by: 
Joint Planning Commission Representative