

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
City Hall Council Chambers/Cisco WebEx
(For log in information <https://www.jpbgba.org/planning-actions>)
Wednesday, July 13, 2022 REGULAR MEETING – 6:00 p.m.

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

A. MINUTES **Chair**
Approval of June 8, 2022 Minutes

B. CONSENT AGENDA
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

1. Approve/Pay Bills (see attached list of bills) **Chair**

C. VISITORS **Chair**

D. NEW BUSINESS

1. City of Bemidji – Resolution 2022-12 – CUP-22-80.06805.00 – Royal Bay Townhomes **NP**
2. City of Bemidji – Resolution 2022-13 – IUP-22-80.0.04105.00, 80.04029.00 & 80.03646.00 –
Kingdom Builders Christian School (Jon Ness) **JC**
3. City of Bemidji – Resolution 2022-14 – IUP-22-80.00437.00 –Randal Clyde **NP**
4. City of Bemidji/Northern Township – Resolution 2022-11 – Beltrami Ironwood Investments **NP**

E. OTHER BUSINESS

F. DIRECTOR’S REPORT **JC**

G. SITE ANALYST AND ENFORCEMENT REPORT **MF**

H. UPCOMING MEETINGS **Chair**

1. July 28, 2022 6:00 pm JPC Regular Meeting
2. August 10, 2022 6:00 pm JPB Regular Meeting
3. August 25, 2022 6:00 pm JPC Regular Meeting
4. September 14, 2022 6:00 pm JPB Regular Meeting

I. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
July 13, 2022

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, July 13, 2022. Chair Jorge Prince called the meeting to order at 6:00 pm and roll call was taken.

Upon roll call, the following members were declared present: Prince, Thayer, Peterson, Lahn, Frenzel.

Members absent: None.

Staff present: Jamin Carlson, Ainslee Krause, Nick Phillips, Melissa Fahrenbruch.

Others in attendance: CT Marhula, Tony Merschman, Richard Kosel, Jon Ness.

Pledge of Allegiance was performed.

Mayor Prince stated a short break would be taken in order for Staff to resolve technical difficulties on WebEx. Staff corrected the issue and the meeting proceeded.

AGENDA

Carlson noted a correction to the agenda. Carlson addressed that item D-4 under New Business was incorrectly noted as “Bemidji Ironwood Investments”, when it should be “Beltrami Ironwood Investments”.

Motion by Thayer, second by Frenzel, to approve the agenda. Motion carried unanimously.

MINUTES

Motion by Peterson, second by Lahn, to approve the June 8, 2022 minutes as presented.

Ayes: Frenzel, Lahn, Peterson.

Abstain: Thayer, Prince.

Motion carried.

CONSENT AGENDA

- 1) Bills for the total amount of **\$11,375.01** were presented for payment.

Motion by Peterson, second by Thayer, to approve consent agenda. Motion carried unanimously.

VISITORS WITH BUSINESS NOT ON THE AGENDA: None.

NEW BUSINESS

RESOLUTION 2022-12 – CUP-22-80.06805.00 – ROYAL BAY TOWNHOMES

Prince addressed that additional information was turned in to the Joint Planning Board office after the Joint Planning Commission meeting and public hearing.

Motion by Frenzel, second by Thayer to enact the 60-Day Extension on the conditional use permit request in order for the planning case to go back before the Joint Planning Commission at their next meeting on Thursday, July 28, 2022, with the additional information.

Motion carried unanimously.

RESOLUTION 2022-13 – IUP-22-80.04105.00, 80.04029.00 & 80.03646.00 – KINGDOM BUILDERS CHRISTIAN SCHOOL/JON NESS

Kingdom Builders Christian School (Jon Ness) is requesting an interim use permit on leased property (Mount Zion New Testament) to operate a private school. The subject property is located at 414 Lincoln Ave SE in the City of Bemidji and to note that this building was the old Lincoln Public School which operated from 1917-1999. This parcel is located in the (R-4) Suburban Residential Zoning District.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of an Interim Use Permit (IUP) to operate a private school on a property located at 414 Lincoln Ave SE in the city of Bemidji.

Approval recommended with the following findings of fact and conditions:

Original Conditions:

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any new or existing dumpsters on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.
3. A sign permit shall be obtained prior to the installation of any new signage, which must comply with Section 710 of the Ordinance. All site signage, including that for traffic control, shall be included on the sign permit.
4. The existing three (3) lots shall be combined into one (1) lot of record along with the platted alley right-of-way (ROW) being vacated.
5. The defined maneuvering and parking lanes shall be adequately marked with a painted stripe and/or clear signage to provide direction for traffic and to lessen congestion or confusion.
6. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance.
7. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
8. The school shall not exceed a staff of 15 persons and student load of 100 children. If either of these limits shall be reached during a school year, the IUP shall be subject to review by the JPB, resulting in modification or revocation of the IUP as necessary to protect public health and safety.
9. The IUP shall expire and become void if the charter school is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the school are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Amended Conditions:

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any new or existing dumpsters on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.
3. A sign permit shall be obtained prior to the installation of any new signage, which must comply with Section 710 of the Ordinance. All site signage, including that for traffic control, shall be included on the sign permit.
4. The applicant shall work with the property owner to accomplish a combination of the existing three (3) lots into one (1) lot of record along with the platted alley right-of-way (ROW) being vacated.
5. The defined maneuvering and parking lanes shall be adequately marked with a painted stripe and/or clear signage to provide direction for traffic and to lessen congestion or confusion.
6. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance. Trees shall be planted within one year of the date of approval of the interim use permit.
7. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
8. The school shall not exceed a staff of 15 persons and student load of 100 children. If either of these limits shall be reached during a school year, the IUP shall be subject to review by the JPB, resulting in modification or revocation of the IUP as necessary to protect public health and safety.
9. The IUP shall expire and become void if the charter school is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the school are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

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

No. This proposed use should have no additional contribution to traffic safety at this location, if properly managed, as proper site mitigation for maneuvering and traffic control will be in place.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property. The Applicant shall submit a traffic management plan to City Staff before operation of the school.

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

No. The Applicant will submit and follow a management plan for the site to accommodate expected traffic. The site was a school previously and functioned as such.

4. **Whether the proposed use is in conformance with the community's Comprehensive Plan; and**

Yes. The proposed use for a Private School is consistent with the goals and policies of the

Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the R-4 Suburban Residential Zoning Districts with the issuance of an interim use permit (IUP).

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

Yes. The subject property is connected to City water & sewer services.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Thayer and Carlson discussed parking.
- Frenzel, Prince, and Carlson discussed the condition regarding the lot combination.

Motion by Frenzel, second by Peterson, to approve Resolution 2022-13 to approve an Interim Use Permit (IUP) to operate a private school at 414 Lincoln Ave SE, with the above stated findings of fact and conditions amended to exclude condition #4.

Ayes: Frenzel, Lahn, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

RESOLUTION 2022-14 – IUP-22-80.00437.00 – RANDAL CLYDE (CLYDE’S AUTO SALES)

Randal Clyde of Clyde’s Auto Sales is requesting an Interim Use Permit to operate an automobile sales lot on a property currently in the B-2 General Commercial District. The subject property is located at 1026 Washington Avenue South in the City of Bemidji.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of an Interim Use Permit (IUP) to operate an automobile sales lot on a property located at 1026 Washington Avenue South in the City of Bemidji, with the following conditions and findings of fact:

Conditions:

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any new dumpsters brought on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.
3. A sign permit shall be obtained prior to the installation of any new signage, which must comply with Section 712 of the Ordinance. All signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. The defined maneuvering areas shall be adequately marked with a painted stripe and/or clear signage to provide direction for customer traffic and to lessen congestion or confusion.
5. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance. The location of required tree plantings shall be entirely within the recorded exterior boundaries of the property, except as may be permissible by the road authority to be placed bordering or otherwise encroaching the road right-of-way. In no case shall the planting requirement be waived for failure to obtain road authority permissions.

6. All proper permits shall be obtained prior to construction or site renovation, including a building, demolition, and mechanical permits from the City of Bemidji.
7. The Applicant is solely responsible for working with the adjacent Property Owner to obtain easement agreements for shared parking and accesses, and to obtain any additional agreements or permissions, as may legally be required to accommodate any agreed upon use of existing driving lanes between the properties.
8. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil, installation of additional impervious surface, or removal of existing impervious areas.
9. All areas of the lot that will be utilized for vehicle parking shall be improved with a material approved by the City Engineer and in conformity with GBAJPB Ordinance requirements.
10. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
11. The proposed project is limited to the following amounts of automobiles on site during each phase of the development, and display of such vehicles for sale shall be in full conformity with all current Ordinance Standards:
 - a. Phase I: Available improved space for this phase is sufficient for no more than two vehicles to be on display for sale, accounting for two (2) spaces to be maintained for customer and employee parking for a total of four (4) parking spaces.
 - b. Phase II: After completion of additional improved space for this phase would be sufficient for no more than an additional six (6) vehicles to be on display, above that provided by Phase I.
 - c. Phase III: After completion of additional improved space for this phase would be sufficient for no more than an additional three (3) vehicles to be on display, above that provided by Phase II.
 - d. Phase IV: After completion of additional improved space for this phase would be sufficient for no more than an additional four (4) vehicles to be on display, above that provided by Phase III.
12. Additional Phases to site development shall be approved by an amendment to this IUP by the Joint Planning Board, in addition to all development agreement requirements that may be necessary for project permitting.
13. Completion of all Phases shall be according to the timeline established in the required Development Agreement, but in no case shall be later than October 31st of 2026, unless approved by an amendment to this IUP by the Joint Planning Board. If the necessary lot improvements are not completed by the date stated, this IUP becomes void and all automotive sales shall cease.
14. The IUP shall expire and become void if the automobile sales lot is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the automobile sales lot are mostly complete. There shall be no extension of this initial deadline.

Findings of Fact:

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 Applicant has made a reasonable effort to limit traffic and parking on site, rather than to

extend directly out into the right-of-way or onto greenspaces to be maintained. Additional parking, as necessary, will be determined at the time of lot redevelopment, which may include removal of one or both existing buildings. This proposed use should have no additional contribution to traffic safety at this location, as proper site mitigation for maneuvering and traffic control will be a condition for approval.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property. The Applicant will be responsible for any agreement with the property owner to the north for use of the existing drive lane between the two lots.

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

No. The Applicant is responsible for any agreement with the northern property owner to utilize the connecting driving lane, if needed, and will otherwise design the site to accommodate expected traffic for his own operation. The nature of the use is in line with existing commercial operations along this stretch of Washington, and will not negatively encroach on adjacent properties.

4. Whether the proposed use is in conformance with the community's Comprehensive Plan; and

Yes. The proposed use of a previously developed lot is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the B-2 General Commercial Zoning Districts with the issuance of an interim use permit. The Applicant is planning to alter the site to direct customer and inventory parking away from the right-of-way to ensure that the property will properly function, eliminating any possible congestion or safety impacts that may occur.

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

Yes. The subject property is connected to City water and sewer services. While access to existing greenspace for stormwater mitigation is possible, due to the space limitations of the lot the applicant is considering advanced or alternative paving materials to accommodate stormwater requirements without sacrificing inventory space. Advanced stormwater technology is available that can treat the required volume under parking or impervious areas, which would add additional costs to the overall project but allow the site to meet the City's stormwater design standards.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Thayer and Phillips discussed time frame.
- Frenzel and Staff discussed phases. Staff clarified that the phases cover parking, striping, etc. and the applicant will need to pave in order to have additional space for cars.
- Members discussed phases and conditions.
- Lahn recommended including condition to require phase one and two to be completed in the first year. Members discussed.

Motion by Frenzel, second by Lahn, to approve Resolution 2022-14 to approve an Interim Use Permit (IUP) to operate an automobile sales lot on a property located at 1026 Washington Avenue South in the City of Bemidji, with the following findings of fact and conditions, with an amendment to condition #12 stipulating that phases one and two must be completed within the first year upon issuance of the interim use permit.

Staff noted additional condition, condition #11, added by Staff as per their recommendation, before the Joint Planning Commission meeting.

Findings of Fact:

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 Applicant has made a reasonable effort to limit traffic and parking on site, rather than to extend directly out into the right-of-way or onto greenspaces to be maintained. Additional parking, as necessary, will be determined at the time of lot redevelopment, which may include removal of one or both existing buildings. This proposed use should have no additional contribution to traffic safety at this location, as proper site mitigation for maneuvering and traffic control will be a condition for approval.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property. The Applicant will be responsible for any agreement with the property owner to the north for use of the existing drive lane between the two lots.

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

No. The Applicant is responsible for any agreement with the northern property owner to utilize the connecting driving lane, if needed, and will otherwise design the site to accommodate expected traffic for his own operation. The nature of the use is in line with existing commercial operations along this stretch of Washington, and will not negatively encroach on adjacent properties.

5. Whether the proposed use is in conformance with the community's Comprehensive Plan; and

Yes. The proposed use of a previously developed lot is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the B-2 General Commercial Zoning Districts with the issuance of an interim use permit. The Applicant is planning to alter the site to direct customer and inventory parking away from the right-of-way to ensure that the property will properly function, eliminating any possible congestion or safety impacts that may occur.

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

Yes. The subject property is connected to City water and sewer services. While access to existing greenspace for stormwater mitigation is possible, due to the space limitations of the lot the applicant is considering advanced or alternative paving materials to accommodate stormwater requirements without sacrificing inventory space. Advanced stormwater technology is available that can treat the required volume under parking or impervious areas, which would add additional costs to the overall project but allow the site to meet the City's stormwater design standards.

Conditions:

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any new dumpsters brought on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.

3. A sign permit shall be obtained prior to the installation of any new signage, which must comply with Section 712 of the Ordinance. All signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. The defined maneuvering areas shall be adequately marked with a painted stripe and/or clear signage to provide direction for customer traffic and to lessen congestion or confusion.
5. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance. The location of required tree plantings shall be entirely within the recorded exterior boundaries of the property, except as may be permissible by the road authority to be placed bordering or otherwise encroaching the road right-of-way. In no case shall the planting requirement be waived for failure to obtain road authority permissions.
6. All proper permits shall be obtained prior to construction or site renovation, including a building, demolition, and mechanical permits from the City of Bemidji.
7. The Applicant is solely responsible for working with the adjacent Property Owner to obtain easement agreements for shared parking and accesses, and to obtain any additional agreements or permissions, as may legally be required to accommodate the any agreed upon use of existing driving lanes between the properties.
8. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil, installation of additional impervious surface, or removal of existing impervious areas.
9. All areas of the lot that will be utilized for vehicle parking shall be improved with a material approved by the City Engineer and in conformity with GBAJPB Ordinance requirements.
10. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
11. If JPB staff observe any more than the allotted maximum of vehicles on the lot, a review of the IUP will be recommended to the JPB Board for possible revocation.
12. The proposed project is limited to the following amounts of automobiles on site during each phase of the development, and display of such vehicles for sale shall be in full conformity with all current Ordinance Standards:
 - a. Phase I: Available improved space for this phase is sufficient for no more than two vehicles to be on display for sale, accounting for two (2) spaces to be maintained for customer and employee parking for a total of four (4) parking spaces.
 - b. Phase II: After completion of additional improved space for this phase would be sufficient for no more than an additional six (6) vehicles to be on display, above that provided by Phase I.
 - c. Phase III: After completion of additional improved space for this phase would be sufficient for no more than an additional three (3) vehicles to be on display, above that provided by Phase II.
 - d. Phase IV: After completion of additional improved space for this phase would be sufficient for no more than an additional four (4) vehicles to be on display, above that provided by Phase III.

The deadline for completion of Phases I & II must be by no later than July 13th, 2023. All other phases are subject to the completion deadline in condition #14.
13. Additional Phases to site development shall be approved by an amendment to this IUP by the Joint Planning Board, in addition to all development agreement requirements that may be necessary for project permitting.
14. Completion of all Phases shall be according to the timeline established in the required Development Agreement, but in no case shall be later than October 31st of 2026, unless approved by an amendment to this IUP by the Joint Planning Board. If the necessary lot improvements are not completed by the date stated, this IUP becomes void and all automotive sales shall cease.

15. The IUP shall expire and become void if the automobile sales lot is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the automobile sales lot are mostly complete. There shall be no extension of this initial deadline.

Ayes: Frenzel, Lahn, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

RESOLUTION 2022-11 – BELTRAMI IRONWOOD INVESTMENTS

Phillips presented Resolution 2022-11 drafted by staff to the Joint Planning Board.

Board Discussion and Decision:

Board members had the following comments:

- Thayer inquired as to how many sites this resolution is for. Phillips noted that there is one mobile home park in the City of Bemidji and two in Northern Township.
- Prince inquired about additional steps that need to be taken by the City and Northern Township. Phillips clarified.
- Frenzel and Phillips discussed the MN Department of Health's involvement.

Motion by Thayer, second by Peterson, to approve Resolution 2022-11.

Ayes: Frenzel, Lahn, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

DIRECTOR'S REPORT

Carlson addressed the Board and described year-to-date activity, as well as completed, current and upcoming development projects, and upcoming planning cases.

Board members had additional comments:

- Board members and Staff discussed Staff's move to the new office, and the effects on the budget.

SITE ANALYST AND ENFORCEMENT REPORT

Fahrenbruch addressed enforcement activity for June, her work on other projects and assignments including SmartGov, enforcement numbers, neighborhood outreach activity, and number of active enforcement cases.

Board members had additional comments:

- Frenzel inquired about Northern Township use of the SmartGov software. Fahrenbruch clarified that Northern Township will be a user of the portal. Members and Staff discussed.
- Members and Fahrenbruch discussed the Sustainability Committee.
- Prince inquired if closed enforcement cases were residential or commercial and if Fahrenbruch could include that separation in the report going forward. Fahrenbruch confirmed.

UPCOMING MEETING DATES

July 28, 2022	6:00 pm	JPC Regular Meeting
August 10, 2022	6:00 pm	JPB Regular Meeting
August 25, 2022	6:00 pm	JPC Regular Meeting
September 14, 2022	6:00 pm	JPB Regular Meeting
October 5, 2022	12:00 pm – 3:00 pm	Joint LGU Fall Tour

Prince addressed Northern Township’s request to co-host meetings at Northern Town Hall, and noted that this would be added to next month’s agenda.

ADJOURNMENT

There being no further business, motion by Frenzel, second by Thayer, to adjourn the Joint Planning Board meeting at 7:22 p.m. Motion carried.

Respectfully submitted,

Ainslee Krause
Planning & Building Administrative Assistant

JPB Minutes approved and attested by: _____
Joint Planning Board Representative