

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**City Hall Council Chambers/Cisco WebEx**  
 (For log in information <https://www.jpbgba.org/planning-actions>)  
**Wednesday, August 10, 2022 REGULAR MEETING – 6:00 p.m.**

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

**A. MINUTES** **Chair**  
 Approval of July 13, 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 (Richard Kosel) – *60-Day Extension* **NP**
2. City of Bemidji – Resolution 2022-15 – IUP-22-80.04230.00 & 80.04229.00 –South Car Savings **NP**

**E. OTHER BUSINESS**

1. **Ordinance Amendment: Update on Proposed Section 20 Rezone** **NP**
2. **Discussion on meetings hosted at Northern Town Hall** **Chair**
3. **Discussion on JPB Annual Budget 2023** **JC**

**F. DIRECTOR’S REPORT** **JC**

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

**H. UPCOMING MEETINGS** **Chair**

1. August 25, 2022      6:00 pm      JPC Regular Meeting
2. September 14, 2022   6:00 pm      JPB Regular Meeting
3. September 29, 2022   6:00 pm      JPC Regular Meeting
4. **October 5, 2022      12:00-3:00 pm   Joint LGU Fall Tour**
5. October 12, 2022      6:00 pm      JPB Regular Meeting

**I. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**August 10, 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, August 10, 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, Kelly (alternate).

Members absent: Frenzel (utilized alternate).

Staff present: Planning Director Jamin Carlson, Planning Administrative Assistant Ainslee Krause, Assistant Planner Nick Phillips, Compliance Inspector & Site Analyst Melissa Fahrenbruch.

Others in attendance: Mary Johnston, Jay Johnston, Julie Dokken, Greg Dokken, Nancy Brovold, Dennis Brovold, Gary Gesell, CT Marhula, Mary Santo, Dave Santo, Michael Ettesvold.

Pledge of Allegiance was performed.

**AGENDA:**

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

**MINUTES:**

Motion by Peterson, second by Lahn, to approve the July 13, 2022 minutes as presented. Motion carried unanimously.

**CONSENT AGENDA:**

- 1) Bills for the total amount of \$9,283.96 were presented for payment.

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

**VISITORS WITH BUSINESS NOT ON THE AGENDA:** No visitors

**NEW BUSINESS:**

**RESOLUTION 2022-12 – CUP-22-80.06805.00 – ROYAL BAY TOWNHOMES (60-DAY EXTENSION)**

Chair Prince identified that comments from a citizen were submitted after the comment period and would not be added to the record. Phillips addressed that this is the second review of this planning case by the Joint Planning Board as they enacted the 60-day rule at the prior meeting. At the second meeting of the Joint Planning Commission where this planning case was reviewed, the Commission failed to come to a consensus and forwarded the case on to the Joint Planning Board without a recommendation. Rich Kosel of Kosel Services Landscaping is requesting a conditional use permit on behalf of the Royal Bay Owner's Association to rehabilitate and install riprap along the association shared shoreline of lake Bemidji, currently in the R-3 Suburban Residential Zoning District and shoreland overlay. The subject property is a common interest community in the City of Bemidji. Phillips noted that additional comments regarding the case were submitted after the deadline for the planning case report. Phillips addressed the submissions.

## RECOMMENDATION & FINDINGS

Staff recommends approval of a conditional use permit in order to rehabilitate and install riprap along the association shared shoreline of lake Bemidji at 4524 Birchmont Dr NE. Approval is recommended with the following conditions and findings of fact:

### Conditions:

1. A final landscaping plan with size, type and location of trees and shrubs to be planted throughout the property shall be submitted for final approval to JPB staff before issuance of the Shore Alteration Permit. Such plan shall indicate the addition of ten (10) trees or shrubs to be planted in an evenly distributed manner to further stabilize the soils and subsoils behind the riprap installation.
2. The Applicant is solely responsible for working with the adjacent Property Owner to obtain access to the site, as may be required to accommodate the construction equipment.
3. A shoreland alteration permit shall be obtained with the proper mitigation installed prior to disturbance of soil or existing riprap.
4. The fifteen-foot wide vegetative buffer proposed shall be marked with signage sufficient to ensure the area is not routinely mowed or otherwise rendered ineffective for its intended purpose. The owner's association may trim grass or forbs in this zone up to three times during each growing season, provided the length of such vegetation is not reduced to less than four (4) inches in length, and any tree/shrubs planted shall not be trimmed to less than three (3) feet in height.
5. The CUP shall expire and become void if the project 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 drive-thru 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. The Applicant has made a reasonable effort to mitigate potential negative ecological impacts from the project, while addressing a poorly installed and aging riprap installation. Some of the most deleterious impacts of a typical riprap installation have been addressed within the proposed scope of work.

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

No. There are no proposed changes to traffic conditions or parking with this project.

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

No. The Applicant has proposed a restoration strategy that will improve the lakeshore at this location above current conditions.

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

Yes. The proposed work takes into account incorporating best-management practice that provide some improvement to the aquatic environment. In addition, the installation will address worsening condition of the lakeshore, providing continued recreational access to the lake for residents of the association, present and future.

**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 limited, the applicant has proposed a solution that utilizes the length of shoreline as a remediation pathway for nutrient loading.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Members and Staff discussed proposal.
- Thayer expressed a wish to amend condition #1 to increase the requirement to 12 trees, and native landscaping in addition to the fescue, with native landscaping being the primary planting. Staff addressed.

Motion by Thayer, second by Lahn, to approve Resolution 2022-12 to approve a Conditional Use Permit in order to rehabilitate and install riprap along the association shared shoreline of lake Bemidji at 4524 Birchmont Dr NE., with the above stated findings of fact and the following amended conditions:

1. A final landscaping plan with size, type and location of trees and shrubs to be planted throughout the property shall be submitted for final approval to JPB staff before issuance of the Shore Alteration Permit. Such plan shall indicate the addition of twelve (12) trees or shrubs to be planted in an evenly distributed manner to further stabilize the soils and subsoils behind the riprap installation.
2. The Applicant is solely responsible for working with the adjacent Property Owner to obtain access to the site, as may be required to accommodate the construction equipment.
3. A shoreland alteration permit shall be obtained with the proper mitigation installed prior to disturbance of soil or existing riprap.
4. A fifteen-foot wide native grass buffer strip shall be planted and maintained as a no mow zone along the entire shoreline. The buffer strip shall be marked with signage sufficient to ensure it is not routinely mowed or otherwise rendered ineffective for its intended purpose of providing wildlife habitat.
5. The CUP shall expire and become void if the project 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 project 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.

Ayes: Kelly, Lahn, Thayer, Prince.

Nays: Peterson.

Motion carried.

**RESOLUTION 2022-15 – IUP-22-80.04230.00 & 80.04229.00 – SOUTH CAR SAVINGS**

Michael Ettesvold, representing South Car Savings, 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 on a vacant lot north of 829 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 on a vacant lot north of 829 Washington Avenue South in the City of Bemidji. Approval is recommended 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. 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.
8. 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, and all parking spaces shall be bordered to prevent vehicle encroachment on required greenspace areas.
9. Screening shall be provided between all parking areas on the lot that adjoin any and all residential properties. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision but shall not extend to within fifteen (15) feet of any street right-of-way.
10. The entrance servicing parcel 80.04229.00 shall be widened to accommodate two-way traffic, per the requirements in §1009. The applicant shall provide proof of road authority approval for such work.
11. Any future changes to site layout that prompt a change in traffic flow shall require review and possible amendment of the IUP by the Joint Planning Board, as determined by the Administrator.
12. If additional adjacent lots shall be utilized for the Auto Sales Use, such as the south adjoining lot and office building (parcel 80.04230.00), a lot combination shall be required to provide coverage of said operations under this IUP.

13. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
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. 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 permitting 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 approvals necessary from the road authority should entrance designs be changed.

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

No. The Applicant will design the site to accommodate expected traffic for this 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 has access to City water and sewer services. While access to existing greenspace for stormwater mitigation is possible, 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 environmental impacts. Phillips noted that runoff and stormwater mitigation would be addressed by the City Engineer in the Development Agreement.
- Members and Staff discussed trees and landscaping.

Motion by Peterson to approve Resolution 2022-15 for an Interim Use Permit (IUP) to operate an automobile sales lot on a property located on a vacant lot north of 829 Washington Avenue South in the City of Bemidji, with the above stated conditions and findings of fact.  
 Motion failed for lack of a second.

Motion by Lahn, second by Thayer, to approve Resolution 2022-15 for an Interim Use Permit (IUP) to operate an automobile sales lot on a property located on a vacant lot north of 829 Washington Avenue South in the City of Bemidji, with the above stated findings of facts and conditions, with condition #8 amended to read:

8. *All areas of the lot that will be utilized for vehicle parking shall be improved with an impervious surface such as asphalt or concrete, which shall be approved by the City Engineer and in conformity with GBAJPB Ordinance requirements, and all parking spaces shall be bordered to prevent vehicle encroachment on required greenspace areas.*

Ayes: Kelly, Lahn, Prince, Thayer, Peterson.  
 Nays: None.

Motion carried unanimously.

**OTHER BUSINESS:**

**Ordinance Amendment: Update on Proposed Section 20 Rezone**

Phillips presented an update on the proposed Section 20 Rezone to the Joint Planning Board. Members and Staff discussed.

**Discussion on meetings hosted at Northern Town Hall**

Chair Prince addressed the request for meetings to be hosted at Northern Town Hall. Members discussed and concluded that the Joint Planning Commission and Board will host meetings at Northern Town Hall once each quarter.

**Discussion on JPB Annual Budget 2023**

Carlson addressed the proposed JPB Annual Budget for 2023. Carlson and Members discussed. Members agreed to set up a work session with City Council and Northern Township Board. Prince addressed that he would schedule a work session with the City Manager.

**DIRECTOR'S REPORT**

Carlson addressed the Board & described year-to-date activity as well as upcoming planning cases.

**SITE ANALYST AND ENFORCEMENT REPORT**

Fahrenbruch addressed enforcement activity for the month, her work on other projects including SmartGov, and enforcement activity. Fahrenbruch addressed completed and ongoing development projects.

**UPCOMING MEETING DATES**

|                    |         |                     |
|--------------------|---------|---------------------|
| August 25, 2022    | 6:00 pm | JPC Regular Meeting |
| September 14, 2022 | 6:00 pm | JPB Regular Meeting |

September 29, 2022  
**October 5, 2022**  
October 12, 2022

6:00 pm  
**12:00-3:00 pm**  
6:00 pm

JPC Regular Meeting  
**Joint LGU Fall Tour**  
JPB Regular Meeting

**ADJOURNMENT**

There being no further business, motion by Peterson, second by Lahn, to adjourn the Joint Planning Board meeting at 7:45 p.m. Motion carried.

Respectfully submitted,

Ainslee Krause  
Planning & Building Administrative Assistant

JPB Minutes approved and attested by: \_\_\_\_\_  
Joint Planning Board Representative

DRAFT