

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
317 4<sup>th</sup> Street NW

**Wednesday, March 9, 2016 REGULAR MEETING – 6:00 p.m.**

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

**A. MINUTES** **Chair**  
Approval of February 10, 2016 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**
- 2. Resolution No. 2016-07 – Appointment of Kristi Miller to JPC

**C. NEW BUSINESS**  
1. City of Bemidji – **Ordinance No. 2016-04** –Z-16-80.06159.00 – Wes’ Plumbing **M**

**D. OTHER BUSINESS**

**E. VISITORS** **Chair**

**F. ADMINISTRATOR’S REPORT** **M**  
1. Site Plan Analyst Report

**G. UPCOMING MEETINGS** **Chair**

1. March 24, 2016	6:00 pm	JPC Regular Meeting
2. April 13, 2016	6:00 pm	JPB Regular Meeting
3. April 28, 2016	6:00 pm	JPC Regular Meeting
4. May 11, 2016	6:00 pm	JPB Regular Meeting

**H. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**March 9, 2016**

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, March 9, 2016, at 6:00 p.m. in City Hall. Chair Olson presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Kelly, Johnson, Olson, Erickson, Chambers (alternate)

Members absent: Albrecht, Heuer, Merschman, Mountain (utilized alternate)

Staff present: Mayana Rice, Josh Stearns, Terri Ball

Others in attendance:

Pledge of Allegiance was performed.

**AGENDA**

Motion by Chambers, second by Erickson to approve the agenda.

Motion carried unanimously.

**MINUTES**

Motion by Johnson, second by Kelly to approve the February 10, 2016 JPB minutes.

Motion carried unanimously.

**CONSENT AGENDA**

- 1) Bills for the total amount of \$4771.84 (Check No. 1956 through 1962) were presented for payment.
- 2) Resolution No. 2016-07 appointing Kristi Miller to the Joint Planning Commission

Motion by Erickson, second by Chambers to approve Consent Agenda.

Motion passed unanimously.

**NEW BUSINESS**

**ORDINANCE 2016-04 – Z-16- 80.06159.00 – Beltrami County**

Applicant is requesting a rezone of their parcel to B1 Low Density Commercial in order to bring their property's zoning classification into compliance with the GBAJPB Zoning Ordinance. The parcel is located on Bemidji Ave N in the R3 Suburban Residential District of the City of Bemidji.

### **BACKGROUND**

Wes' Plumbing applied for a lot combination to the JPB staff. The request was filed jointly with a lot division request by Steven Inkel, the adjoining property owner to the south, in order for Wes' Plumbing to purchase a 1.30 AC plot of land. Despite Wes' Plumbing clearly being a commercial use of the land, its current zoning classification is R3 Suburban Residential. This issue was compounded with the fact that the plot of land being requested to be combined to Wes' Plumbing's parcel is zoned B1 Low Density Commercial.

Staff explained to the applicant that the requested combination/division could not be processed unless it was made in conjunction with a request to rezone the property to B1 Commercial, thereby bringing the property's use into compliance with the ordinance and avoid erroneously creating a parcel with a dual zoning classification

### **PLANNING CONSIDERATIONS**

Local governments may exercise their legislative discretion to rezone property in furtherance of the public, health, safety and welfare. LGU's should, however, avoid a type of rezoning known as "spot zoning."

A spot zone occurs when a particular parcel of land is granted a classification concerning its use that differs from the classification of other land in the immediate area. Spot zoning is invalid because it amounts to arbitrary, capricious, and unreasonable treatment of a limited area within a particular district and is, therefore, a deviation from the comprehensive plan.

To avoid creating a spot zone, we typically only consider a rezoning when the proposed zoning district physically adjoins parcels of that same classification. The subject parcel is physically adjoining a B1 parcel, thereby, not constituting a spot zoning.

### **Sanitation/water**

The parcel is on private septic, and is served by municipal water services. Whenever a property is requesting approval of a zoning action, it is a great time to review any and all private infrastructure on the property. Staff is requesting that the owner provide a septic

compliance inspection for the record, as the office currently does not have any information on this property.

**Neighboring Property Owner Input**

Staff have received no complaints/concerns from neighbors, the general public, or the respective LGUs.

**RECOMMENDATION**

Staff recommends approval of the proposed rezoning.

Board members had the following concerns:

- Erickson asked if municipal sewer is available since applicant has city water. Staff stated they do not have access based on their location. Discussion about which parcels along that side of the road have public utilities, versus parcels across the other side of the road.

Motion by Kelly, second by Johnson to approve Ordinance No. 2016-04 planning case Z-16-80.06159.00 to rezone parcel from R-3 Suburban Residential to B-1 Low Density Commercial with the following findings of fact:

**1. Whether the change in classification would be consistent with the intent and purpose of this Ordinance;**

Per Section 201 of the Zoning Ordinance, the intent and purpose of the B1 Low Density Commercial District is to "Provide areas for the placement of commercial establishments, including service, retail, and wholesale providers, and uses complimentary to such uses, in areas where central services are not available."

Subject parcel is served by municipal water, but is not served by municipal sewer.

Use of the property as a plumbing and heating business is an allowed use in the B1 zoning district.

**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. The surrounding area is largely zoned Commercial. Subject property has been, and is currently used commercially as the location for Wes' Plumbing & Heating.

Parcel is physically abutting a B1 zoned parcel to the south.

**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;**

Parcel is served by private septic and municipal water

**4. Whether the proposed amendment would correct an error in the application of this Ordinance; and,**

No. However, the rezone will bring the land into compliance with the zoning ordinance, as the property is currently used commercially despite its residential zoning.

**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.**

Subject parcel is used commercially as the location of Wes' Plumbing & Heating. Rezoning of the parcel will bring the property into compliance with the zoning ordinance.

Motion carried unanimously.

ADMINISTRATOR REPORT

- Rice summarized upcoming planning cases and other updates.
- Recent staff change initiated discussion between board and staff. Suggested new titles and responsibilities were main focus. No decisions made. Interviews of top five applicants will be conducted Friday with two board members and staff.
- Stearns presented his Site Plan Analyst report.

UPCOMING MEETING DATES:

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May 11, 2016        -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Erickson, second by Johnson, to adjourn the Joint Planning Board meeting at 7:12 PM.

Motion carried unanimously.

Respectfully submitted,  
Terri Ball  
Planning Assistant

JPB Minutes Approved and attested by:

  
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Joint Planning Board Representative