

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

**Thursday, October 28, 2021
6:00 P.M.**

**Bemidji City Hall 317 4th Street NW, Bemidji, MN 56601
/Cisco Webex Video Conferencing
(For log in information <https://www.jpbgba.org/planning-actions>)**

AGENDA

- | | |
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| ➤ Call to Order/Roll Call | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, August 26, 2021 Regular Meeting | |

NEW BUSINESS

- | | |
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| 1. Visitors | Chair |
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Public Hearings

- | | |
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| 1. <u>City of Bemidji</u> – CUP/IUP-21-80.00427.00 – Rohde’s Feed & Garden | JC |
| 2. <u>City of Bemidji</u> – CUP-21-80.05689.00 – Dollar General | NP |

OTHER BUSINESS

- | | |
|-----------------------------|---------------------|
| 1. Director’s Report | JC |
| 2. Upcoming Meetings | Chair |
| • November 10, 2021 6:00 pm | JPB Regular Meeting |
| • November 16, 2021 5:30 pm | Joint LGU Meeting |
| • November 18, 2021 6:00 pm | JPC Regular Meeting |
| • December 8, 2021 6:00 pm | JPB Regular Meeting |
| • December 16, 2021 6:00 pm | JPC Regular Meeting |
| 3. Adjourn | Chair |

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

**October 28, 2021
6:00 p.m.**

**Cisco Webex / Council Chambers
317 4th St NW**

CALL TO ORDER: Chair Mike Granlund 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, Heinonen, Granlund, Gould, Lemmer, Smith.

MEMBERS ABSENT: None.

STAFF PRESENT: Jamin Carlson, Ainslee Krause, Nickolaus Phillips.

OTHERS: Merritt Hougard, Joel Rohde, Jordan Chouanard, Matt Murray, Nate Anderson.

APPROVAL OF AGENDA:

Motion by Heinonen, second by Lemmer, to approve the agenda as presented. No vote from Steffen due to technical difficulties. Motion carried.

APPROVAL OF MINUTES:

Motion by David, second by Gould, to approve the minutes from the August 26, 2021, Greater Bemidji Area Regular Joint Planning Commission as presented. No vote from Steffen due to technical difficulties. Motion carried.

VISITORS: No visitors

NEW BUSINESS:

Public Hearings:

Carlson presented the first case:

PLANNING CASE – CUP/IUP-21-80.00427.00 – ROHDE’S FEED & GARDEN

Rohde Properties LLC is requesting a conditional use permit (CUP) for a new expanded location for Rohde’s Feed & Garden, General Retail Store (Large greater than 10,000 sq. ft.) and an interim use permit (IUP) for a farmer’s market, in the B-2 General Commercial District & Hwy 197 Overlay located on a vacant parcel (PID 80.00427.00) just north of Arrow Printing off of Washington Ave S in the City of Bemidji.

Rohde Properties LLC currently has a purchase agreement in place to purchase this vacant parcel located at TBD Washington Ave S., in-between Arrow Printing and Aunt Ellie’s Attic. The Applicant plans to build a new building approximately twelve-thousand (12,000) square feet of gross floor area with 8,400 square feet for the retail and 3,600 for the seed area. Currently, Rohde’s Feed & Garden is located at 405 Railroad St. SW just over the bridge off of Irvine Ave NW next to the rail corridor. The subject parcel is 5.7 acres in size and will be connected to City services. Per Section 302 of the Greater Bemidji Area Zoning & Subdivision Ordinance, general retail stores larger than ten-thousand (10,000) square feet in size are allowed in (B-2) General Commercial zoning district through the

issuance of a conditional use permit (CUP) and a farmer's market is required to obtain an interim use permit (IUP) also in the B-2 zoning district that will run with the current landowner that will cease with transfer of property.

The applicant will need to abide by parking and landscaping standards. A letter from MNDOT was received as a late submission. The letter communicated that MNDOT would like to see the access moved further to the south to line up with the access across the road. Feedback from the City Public Works and Fire Department was referenced, along with a statement from the owner/applicant, Joel Rohde, all of which was included in the packet.

RECOMMENDATION & FINDINGS

Staff recommends approval of a conditional use permit (CUP) for a retail store & an interim use permit (IUP) for a farmer's market on parcel 80.00427.00, located at Washington Ave S within the City of Bemidji with the following conditions and findings of fact:

Conditions for CUP:

1. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department, with a building permit obtained prior to construction.
2. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
3. All signage needs to meet Sections 712 & 717 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
4. All dumpsters on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
5. The developer/owner shall enter into a development agreement with the City of Bemidji & the JPB prior to construction.
6. Final engineering grading, drainage and utility plans will need to be approved for review by JPB staff and City of Bemidji Public Works staff before any construction can commence.
7. A landscaping plan with a total of at least 7 trees planted in the front yard setback shall be submitted for final approval to JPB staff.
8. A sign permit shall be obtained prior to installation of any new signage.
9. The CUP & IUP shall expire and become void if the use it allows 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 use 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 for CUP:

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

No. A general retail store greater than 10,000 sq. ft. and farmer's market conforms to the zoning regulations as permitted CUP & IUP uses in the (B-2) General Commercial Zoning District & 197 Overlay. The proposed uses are not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial and multi-family areas.

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 as this business will be located off of Washington Ave S/Hwy 197. The site will have adequate off-street parking and the ingress and egress to and from the site is a 32 foot wide access in the middle of the parcel.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a general retail store and farmer's market are within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.

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

Yes. The proposed uses are consistent with the goals and policies of the Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP & IUP.

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

Yes. The property will have adequate infrastructure and will be served by City services.

Conditions for IUP:

1. All parking for the farmer's market shall be located on the subject parcel's parking lot and there shall be no parking on Hwy 197 or adjacent streets.
2. The farmer's market shall follow a designated schedule for times and days of the week.
3. Any temporary signage shall follow Section 712 of the Ordinance.
4. The IUP shall expire and become void if the use it allows 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 use 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 for IUP:

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

No. A farmer's market conforms to the zoning regulations as permitted IUP use in the (B-2) General Commercial Zoning District & 197 Overlay. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial and multi-family areas.

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 the farmer's market will be located off of Washington Ave S/Hwy 197. The site will have adequate off-street parking and the ingress and egress to and from the site has adequate access in the middle of the parcel.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a farmer's market as this is within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.

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 Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved IUP.

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

Yes. The property will have adequate infrastructure and will be served by City services.

Commission members had the following comments:

- Faver inquired as to why staff did not recommend moving the access as per MNDOT's recommendation. Carlson noted that the letter was received after the report was written, and staff felt the proposed access was suitable.

Public Hearing opened at 6:09 p.m.

- Joel Rohde addressed the Commission and noted their need for more space, referenced the access and MNDOT's comment. Rohde identified that he had spoken with Jon Mason, of MNDOT, and the recommendation to move the access was not a requirement.
- Lemmer inquired about the farmer's market. Rohde noted that they currently plan to have space for about 10 marketers. Rohde indicated that this would be on a first come first serve basis.

Public Hearing closed at 6:14 p.m.

Commission members had additional comments:

- Smith inquired about process and if staff needs two separate motions for the CUP and the IUP. Staff confirmed that two separate motions would be needed.

Motion by Smith, second by Heinonen, to approve a conditional use permit (CUP) for a retail store on parcel 80.00427.00, located at Washington Ave S within the City of Bemidji, and subject to the above stated conditions and findings of fact.

Ayes: Smith, Lemmer, Gould, Granlund, Heinonen, David, Steffen, Faver, Berg.

Nays: None.

Motion carried unanimously.

Motion by Gould, second by Smith, to approve an interim use permit (IUP) for a farmer's market on parcel 80.00427.00, located at Washington Ave S within the City of Bemidji, and subject to the above stated conditions and findings of fact.

Ayes: Steffen, Berg, Faver, David, Heinonen, Granlund, Steffen, Gould, Lemmer, Smith.

Nays: None.

Motion carried unanimously.

Phillips presented the second case:

PLANNING CASE – CUP-21-80.05689.00 – DOLLAR GENERAL

The applicant, The Overland Group LLC (Represented by Rodney Parrott of Overland Engineering), is seeking a conditional use permit (CUP) to construct a general retail store larger than 10,000 square feet at TBD Division Street W within the City of Bemidji, parcel 80.05689.00.

The Overland Group LLC currently has a purchase agreement in place with Merritt Hougard to purchase this vacant parcel located at TBD Division Street W, next to existing (B1) Low Density Commercial lots owned by Hougard and DDB Properties LLC. Those neighboring lots are non-conforming mixed-use parcels, with residential rental units. The Overland Group plans to build a new building, approximately ten thousand six-hundred forty (10,640) square feet of gross floor area.

The proposed plan includes thirty-nine (39) parking spaces. The applicant will need a permit from the Beltrami County highway department along with an erosion control approved by the City Public Works department. Staff addressed that the lighting and landscaping would also need to meet ordinance standards. No significant increases in traffic are expected.

RECOMMENDATION & FINDINGS

Staff recommends approval of a conditional use permit (CUP) for a retail store on parcel 80.05689.00, located on Division Street West within the City of Bemidji, with the following conditions and findings of fact:

Conditions:

1. The developer/owner shall enter into a development agreement with the JPB prior to construction.
2. Final building plans will need to be approved by the City Building Department, JPB staff, and Bemidji Fire Department, and all necessary permits shall be obtained prior to construction.
3. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
4. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
5. All dumpsters on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. The CUP shall expire and become void if the use it allows 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 use 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. A general retail store use conforms to the zoning regulations as a permitted CUP in the (B-1) Low Density Commercial Zoning District. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial areas, however the existing non-conforming residential uses on those lots could be negatively impacted due to increased traffic and noise from the use. Mitigating this potential disruption is the density of existing and proposed tree plantings on the site, which would act as a visual and noise barrier between the proposed business and neighboring structures.

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 as this building is along an existing high traffic corridor. The site will have adequate off-street parking and the ingress and egress to and from the site shall meet all local government requirements.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a general retail store is within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.

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 Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP.

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

Yes. The property will have adequate infrastructure and will be served by City Water and Sewer.

Commission members had the following comments:

- Heinonen inquired about the city services on the property. Phillips noted that it will be required to hook up to city services.
- Smith inquired about hours of operation. Phillips noted that he did not have that information at the meeting.

Public Hearing opened at 6:25 p.m.

- Jordan Chouanard addressed the Commission.

- Smith inquired about hours of operation and lighting. Jordan stated that he did not know the hours of operation, and the lighting would comply with ordinance requirements.

Public Hearing closed at 6:26 p.m.

Motion by Heinonen, second by David, to approve a conditional use permit (CUP) for a retail store on parcel 80.05689.00, located on Division Street West within the City of Bemidji with the above stated conditions and findings of fact.

Ayes: Smith, Lemmer, Gould, Granlund, Heinonen, David, Faver, Berg.

Nays: None.

No vote from Steffen due to technical difficulties.

Motion carried.

DIRECTOR'S REPORT

Carlson addressed upcoming planning cases, and described year-to-date activity as well as completed, current and upcoming development projects. Carlson noted the upcoming Joint LGU meeting and the upcoming informational meeting.

UPCOMING MEETING DATES:

November 10, 2021	6:00 pm	JPB Regular Meeting
November 16, 2021	6:00 pm	Joint LGU Meeting
November 18, 2021	6:00 pm	JPC Regular Meeting
December 8, 2021	6:00 pm	JPB Regular Meeting
December 16, 2021	6:00 pm	JPC Regular Meeting

Gould inquired of Staff regarding findings of fact. Carlson clarified.

ADJOURNMENT:

There being no further business, motion by Smith, second by Lemmer, to adjourn the Regular Planning Commission meeting at 6:35 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative