

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

Thursday, February 24, 2022
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

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
 - **Thursday, January 27, 2022 Regular Meeting**

NEW BUSINESS

- 1. **Visitors** **Chair**

Public Hearings

- 1. ~~City of Bemidji – CUP-22-80.03117.00 – Sanya Mortenson – Withdrawn~~ **JC**
- 2. **Northern Township – V-22-31.00979.00 – Graig & Carol Gilbertson** **NP**
- 3. **City of Bemidji – Z-22-80.01499.00, 80.01500.00, 80.01502.00 – Dane Jones & Teresa Freeberg** **JC**
- 4. **Northern Township – Z-22-31.02860.00, 31.02861.00 – Brad Hensley** **NP**
- 5. **City of Bemidji – CUP-22-80.06892.00 – Urman Properties, LLC** **NP**

OTHER BUSINESS

- 1. **Year End Report** **JC**
- 2. **Enforcement Report** **MF**
- 3. **Upcoming Meetings** **Chair**
 - March 9, 2022 6:00 pm JPB Regular Meeting
 - **March 10, 2022 1:00 pm JPB Training**
 - March 24, 2022 6:00 pm JPC Regular Meeting
 - April 13, 2022 6:00 pm JPB Regular Meeting
 - April 28, 2022 6:00 pm JPC Regular Meeting
- 4. **Adjourn** **Chair**

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

**February 24, 2022
6:00 p.m.**

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

CALL TO ORDER: Chair Jeremy Berg 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 (via Webex), Granlund, Lemmer, Chambers.

MEMBERS ABSENT: Gould.

STAFF PRESENT: Jamin Carlson, Nickolaus Phillips, Melissa Fahrenbruch.

OTHERS: Graig Gilbertson, Dane Jones, Teresa Freeberg, Mark Dickinson (6:28).

APPROVAL OF AGENDA:

Motion by Chambers, second by Steffen, to approve the agenda as presented. Motion carried.

APPROVAL OF MINUTES:

Granlund noted that the minutes from the Joint Planning Board specified the conditions that were removed from the planning case by the Board and changes to the plans. Granlund inquired if this should return to the Commission for review. Staff addressed that it need not.

Motion by Granlund, second by Steffen, to approve the minutes from the January 27, 2022, Greater Bemidji Area Regular Joint Planning Commission as presented. Motion carried.

VISITORS WITH BUSINESS NOT ON THE AGENDA: No visitors.

NEW BUSINESS:

Public Hearings:

Phillips presented the first case:

PLANNING CASE – V-22-31.00979.00 – GRAIG & CAROL GILBERTSON

Graig and Carol Gilbertson are requesting multiple variances in order to expand a portion of their home. Property is a substandard lot of record located at 1608 Birchmont Beach Rd NE in Northern Township. The requested variances are as follows:

1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

Graig Gilbertson has met with staff regarding this proposal to expand the existing dwelling for year-round occupancy. The legal non-conforming lot is currently developed with a nonconforming

dwelling. The proposed expansion area would meet all required setbacks.

The applicants plan to expand from the existing northern side of the dwelling by adding 350 square feet of space over previously disturbed and undisturbed areas

The proposed addition would be eight feet in height, extending sixteen feet north from the side of the dwelling. An additional 190 square feet of impervious surface would be created after construction, which is a one and one-half percent increase over existing conditions.

The current single-family house is approximately 1,600 square feet, with all other impervious areas bringing the site impervious to 4,860 square feet.

The existing dwelling is set back from the OHWM approximately seventy feet lakeside, and is one hundred three feet from the OHWM on the north facing side.

The driveway contains maneuverability area for vehicles to access the side-loading garage along with parking near the dwelling and is counted towards site impervious surface.

There are a few mature trees adjacent the proposed construction area.

Septic System (Condition #4)

The existing system (installed in 1985) has no previous certificate of compliance on file and will need to be re-evaluated for compliance. Any modification that adds to overall number of bedrooms will require system redesign and permitting.

Stormwater Mitigation (Condition #3)

A stormwater mitigation plan sufficient to treat stormwater above the allowed shoreland standard, as completed by a design professional, shall be submitted to JPB staff for review and approval prior to permit issuance.

Landscaping Requirements (Condition #2)

A landscaping plan would need to be submitted for any trees, shrubs, or vegetation that are to be removed. Work proposed near existing mature trees that are not subject to removal shall utilize best management practices to avoid damage to existing high-quality trees or their root zone.

Neighborhood Comment

- *"Dear Mr. Phillips and the Greater Bemidji Area Joint Planning Board:
Our neighbors, three doors away, the Gilbertson's, have applied for a variance from the maximum allowed impervious surface area for properties in the shore land zone of Lake Bemidji.
The reasons behind this zoning rule is multi-purposed, but primarily to allow rainwater and melting snow to soak into the soil, rather than running into Lake Bemidji. In the case of the Gilbertson's property, they have no hill, or even slope enough to cause the slightest amount of water run-off. 90% of the water will run towards their back-yard grass area, the remaining 10% will soak into the ground between their house and the lake.
Aside from this, there's another reason for writing to you today. We have lived in the neighborhood over ten years and know all residents, east and west of the Gilbertson's. Their opinions of the Graig and Carol go pretty much like this:
"If you could magically make a list of all positive attributes for your neighbor to possess... WAA-LLA! ... you would end up with characteristics describing the Gilbertson's! Let's do whatever possible to keep them in the neighborhood!"
Please vote "YES" and approve the variance for Graig and Carol, thus, help us to keep them in the neighborhood. If they moved to a larger lot, we'd not likely end up with people of such excellent character. The health, safety and well-being of a community derives from the individuals living there. PLEASE HELP US... TO KEEP THEM AS OUR NEIGHBORS!!!*

*Yours truly,
Peter & Laurie Nordquist*

Agency Comment

- Mississippi Headwaters Board:
 - Staff conversed via phone with Tim Terrill of the MHB to discuss the specifics of the variance request. MHB staff expressed concern for the ability of the applicant to demonstrate a site layout that would achieve conforming onsite sewage treatment in addition to stormwater treatment. MHB staff indicated that a stormwater mitigation plan would need to be submitted to the full MHB before certification of the variance would be considered.
 - See Condition #7
- Minnesota Department of Natural Resources Area Hydrologist:
 - Staff conversed via phone with Brent Mason of the MnDNR regarding this variance request. Brent expressed his support for a plan that would mitigate excess stormwater on a site that currently has a high amount of impervious, and was generally supportive of approval conditioned on receipt of a comprehensive site plan that includes stormwater and other site verifications.
- Beltrami County Highway Department:
 - Bruce Hasbargen submitted the following comment:
 - *"The Beltrami County Highway Department has concerns with the Gilbertson variance request.*
 - *The County is in the preliminary stage of developing a project on CSAH 21, Birchmont Beach Rd NE. A public sanitary sewer system is being considered as part of that project. Properties with limited space, like the Gilbertson's, would benefit from that public system. Currently, the Gilbertson's drain field is located within the road right of way. The County has not made any decisions on how it will handle such encroachments, but there is the potential that the landowners would be required to remove them from the right of way. If a public sewer system is not part of the project, the limited impervious area will make it hard to relocate the private system. Reducing the impervious area under this variance request would make it even harder.*
 - *Therefore, at this time the County Highway Department is against approval of this variance request. If a public system were to be constructed then our concern is eliminated."*

RECOMMENDATION & FINDINGS

Staff recommends approval of three variances in order to expand a portion of their home located at 1608 Birchmont Beach Rd NE in Northern Township. The variances are as follows:

1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

Approval recommended with the following findings of fact and conditions:

Conditions:

1. An erosion control plan shall be submitted and be in place before any construction commences on the property.

2. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
3. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and treated/mitigated onsite, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either: a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval.
5. A land use permit shall be obtained prior to construction and demolition.
6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. The owner would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width and area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving the function of the existing dwelling. The comprehensive plan and shore-land rules regarding maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available areas of the lot before it enters the lake.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This expansion would not significantly change the appearance of the dwelling as viewed from the lake, would not change the overall character of the existing dwelling, and would be utilized in a manner that is common for the existing residential uses.

Commission members had the following comments:

- Faver requested clarification on the conditions. Staff noted that JPB staff would need to review and approve the erosion control and landscaping plans, and the Mississippi Headwaters Board would need to approve the stormwater mitigation plan before they certified the variance. Staff noted that stormwater mitigation plans are typically approved by JPB staff.
- Faver addressed that conditions #1 and #2 state that the applicant must submit a plan, which does not constitute a requirement for approval. Staff noted that the language of the conditions could be changed.
- Lemmer inquired about the status of the current buildings. Staff noted that all existing buildings will be left. Lemmer inquired about the current use of the guest house. Staff noted their current understanding is that it is being used for family.
- Chambers and Granlund inquired as to the future impact with the updates planned for Birchmont Beach Road, noting the possibility for water and sewer services and the potential for widening of the road. Staff noted that this could affect the proposed plan.

Public Hearing opened at 6:13 p.m.

- Graig Gilbertson addressed the Commission. Lemmer inquired if the guest house or other buildings on their property were used as a rental. Gilbertson noted that the guest house was used for visiting guests and he uses it as a space to exercise. Gilbertson identified history of the property, and their upgrades to the septic system when they purchased the property in 1985.

Public Hearing closed at 6:17 p.m.

Motion by Chambers, second by Granlund, to approve three variances in order to expand a portion of their home located at 1608 Birchmont Beach Rd NE in Northern Township, and subject to the findings of facts and conditions with the modification of conditions #1 and #2 to include approval of said erosion control, tree removal, and landscaping plans. The variances are as follows:

1. An additional thirteen and seven-tenths percent or 1,788 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;
2. A reduction in the minimum lot width of thirty-four feet from the required one-hundred-foot lot width; and
3. A reduction in the minimum lot size of 1,952 square feet from the required 15,000 square foot size.

Conditions:

1. An erosion control plan shall be submitted, **approved**, and be in place before any construction commences on the property.
2. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review **and approval**, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.

3. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and treated/mitigated onsite, and so a stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Mississippi Headwaters Board prior to certification of the variance.
4. The property owner must either: a) be issued an SSTS permit allowing any necessary drainfield layout modifications necessary as required by Ordinance §801 before constructing additional bedroom space, or if no system modification is necessary shall b) submit a certificate of compliance to JPB staff for the existing system within 12 months of the date of this approval.
5. A land use permit shall be obtained prior to construction and demolition.
6. JPB site verification form and fee shall be submitted prior to construction.
7. Mississippi Headwaters Board Certification of the variance request must be obtained, as required by MN Statute 103F.373, prior to the effectiveness of this variance approval.
8. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of variance approval. 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. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing uses are well established on the lot, and would remain reasonable and allowable into the future. Any expansion of the structure to allow additional living space would be limited to areas of existing impervious surface to the north of the dwelling, which would limit such an addition to an unreasonably small interior dimension. The owner would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width and area to allow contemporary forms of residential development. To expand any existing structure on this lot is not possible while staying in conformity with the ordinance.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving the function of the existing dwelling. The comprehensive plan and shore-land rules regarding maximum impervious surface in this zone are in place to provide adequate passive stormwater management in order to protect the aquatic resource, however active stormwater mitigation strategies are possible that can treat the same amount of water on a smaller footprint of land. While proper undisturbed space would mitigate storm-water from this addition, the property owner has the ability to consult a design professional to create a plan to mitigate and treat the additional storm-water in available areas of the lot before it enters the lake.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This expansion would not significantly change the appearance of the dwelling as viewed from the lake, would not change the overall character of the existing dwelling, and would be utilized in a manner that is common for the existing residential uses.

Ayes: Chambers, Lemmer, Granlund, David, Steffen, Faver, Berg.
Nays: None.

Motion carried.

Carlson presented the second case:

PLANNING CASE – Z-22-80.01499.00, 80.01500.00, 80.01502.00 – DANE JONES & TERESA FREEBERG

Dane Jones & Teresa Freeburg are requesting a rezone of ISD property at 1420 Beltrami Ave NW, currently in the R-4 Single Family Zoning District, to B-2 General Commercial. The subject properties have been used as professional offices and this rezone request will get the use closer to conformity with the Ordinance.

The past use was the community education building which is currently vacant. ISD 31 has put the building up for sale and the potential owners have a purchase agreement in place. There is a striped parking lot that has more than 35 spaces for the office building. The proposed use is for a CPA firm professional office.

The subject properties are surrounded by primarily urban residential to the south and west, and high-density commercial to the east. Directly to the north is 15th St. NW and across the street is multi-family zone.

RECOMMENDATION & FINDINGS

Staff recommends approval for a rezone of the subject properties, parcels 80.01499.00, 80.01500.00, & 80.01502.00, located at 1420 Beltrami Ave NW, from (R-4) Moderate Density Residential to (B-2) General Commercial, in order to reflect existing land use of the properties and to allow continued development of those properties under such compatible commercial uses. Staff also recommend that the parcels be combined into one lot of record. Approval of this rezone action is based on the following findings of fact:

Findings of Fact:

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

Yes. The current intent and proposed future land use are consistent with the General Commercial Zoning District. The subject properties have been in commercial use for quite some time and are consistent with the purpose of the Ordinance as they would be closer to conformity with a commercial zoning change.

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. This area is made up of other commercial uses. Other commercial and multi-family facilities reside to the north and east of the subject properties.

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 do exist at this location.

4. Whether the proposed amendment would correct an error in the application of this Ordinance.

Yes. This would resolve an existing non-conformity and move the subject properties towards the

goal of conformity with the Ordinance.

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

Yes. These properties have been zoned R-4 and the use has been commercial going back decades and this proposed amendment would correct that use. As re-development occurs, areas located in certain parts of the city are better suited to commercial uses, due to their proximity to other intensive land-uses, transportation nodes, and desirable amenities.

Commission members had no comments

Public Hearing opened at 6:23 p.m.

- Dane Jones of Freeburg and Jones Accounting stated they are looking to acquire a larger building for their operation, and that this was a suitable structure.

Public Hearing closed at 6:24 p.m.

Motion by Granlund, second by Steffen, to approve a rezone of the subject properties, parcels 80.01499.00, 80.01500.00, & 80.01502.00, located at 1420 Beltrami Ave NW, from (R-4) Moderate Density Residential to (B-2) General Commercial, subject to the above stated findings of fact.

Ayes: Chambers, Lemmer, Granlund, David, Steffen, Faver, Berg.

Nays: None.

Motion carried.

Phillips presented the third case:

PLANNING CASE – Z-22-31.02860.00, 31.02861.00 – BRAD HENSLEY

Brad Hensley is the prospective buyer of the subject properties currently owned by Concordia College Corp. He is requesting a rezone of these properties from (B-1) Low Density Commercial to (R-2) Suburban Residential. These properties are located on the north side of Rodeo Dr NW, adjacent to Fairgrounds Rd NW in Northern Township. Currently these properties are undeveloped lots previously platted as Lots 1 & 2, Block 2 of Deerpath.

The existing commercial classification follows with all other properties directly abutting Fairgrounds Rd NW on the north side of Highway 71, which has increased visibility and would serve commercial uses well.

Per the current Zoning Map, the existing commercial classification abuts a suburban residential use, and reclassifying it would create a larger block of residential properties available for development. The properties in question are at the entrance of the Deerpath Plat and residential development, and would be well suited for residential development.

The surrounding land cover is a combination of:

- road right-of-way that would remain open space, and
- wetland and low areas that are also not suitable for development,

These areas provide a buffer between the proposed residential lots and potential future commercial uses.

Future intensification on surrounding properties, in most cases, would require review before the

commission and board for approval, and would likely require special conditions or variance approval for setback encroachments. Given this, adverse effects are not anticipated, due to the existing limitations on development along this corridor.

RECOMMENDATION & FINDINGS

Staff recommends approval for a rezone of the subject properties, parcels 31.02860.00 and 31.02861.00 from (B-1) Low Density Commercial to (R-2) Suburban Residential, in order to allow continued development of the Deerpath plat for single-family residential use. Approval of this rezone action is based on the following findings of fact:

Findings of Fact:

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

Yes. The proposed future land use is consistent with many of the surrounding properties and zoning districts. Properties along Rodeo Dr NW have been developed single-family residential for quite some time, and the addition of single-family housing is in the scope of the comprehensive plan and zoning ordinance.

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. While this area is made up of a mix of commercial and residential uses, the existing commercial lots in the vicinity have limitations that would preclude intensive commercial activity, such as wetland areas or restrictive layouts that would require special approvals. The residential use of these properties would fit in well with the rest of the Deerpath Development to the west.

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. There is ample room on each of these lots for appropriately sized septic systems to be designed and installed, and individual wells can be installed to meet all required isolation distances.

4. Whether the proposed amendment would correct an error in the application of this Ordinance.

Yes. This proposal would avoid the potential development of these two lots into more intense commercial use that could pose an impact to the remaining residential neighborhood on this roadway. While commercial uses do fit within a frontage road area, neighborhoods are best designed when the entire roadway can be managed uniformly for traffic control and distribution of utility services. Creating an intensification of use at the only entrance to this residential development would impact all properties within that development, and thus a commercial use may not be the most harmonious for the unique layout of this area.

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

Yes. The Greater Bemidji Area continues to change as development continues to move outwards from the City of Bemidji, and demand for single-family housing has increased. As re-development occurs, areas located in sensitive or areas problematic to future development should be geared toward lower intensity uses.

Commission members had the following comments:

- Steffen asked what the purpose of the rezone request was, which Phillips responded that it

was due to the applicant's desire to develop additional single family housing in the Deerpath Development.

Public Hearing opened at 6:30 p.m.

- No comments were provided.

Public Hearing closed at 6:30 p.m.

Motion by Granlund, second by Steffen, to approve a rezone of the subject properties, parcels 31.02860.00 and 31.02861.00 from (B-1) Low Density Commercial to (R-2) Suburban Residential, and subject to the above stated findings of fact.

Ayes: Chambers, Lemmer, Granlund, David, Steffen, Faver, Berg.

Nays: None.

Motion carried.

Phillips presented the fourth case:

PLANNING CASE – CUP-22-80.06892.00 – URMAN PROPERTIES, LLC

Urman Properties LLC, is requesting a conditional use permit (CUP) to be able to construct and operate a self-storage facility on a parcel located at 1465 Balsam Rd. NW, within the City of Bemidji. This property is zoned (B-1) Low Density Commercial.

In 2019, Urman Properties LLC purchased this property and had it rezoned from R-2 Suburban Residential to B-1 Low Density Commercial. Since then, the property has had the wetland boundaries determined by Beltrami County staff, as well as having the trees and vegetation removed from the construction area. The Applicants initially proposed to construct a multi-tenant structure with multiple commercial uses slated for the building. Since approval of a CUP for that use in 2020, the Applicant has changed their initial business model to include on self-service storage and reached out to JPB staff to discuss all requirements related to planning and zoning for this site change.

The current plan follows the footprint of the previously approved site plans, with all structures removed and a perimeter fence included. Parking will be on a gravel surface with appropriate stormwater installed to the north of the impact zone. An 8-foot tall perimeter fence requires City of Bemidji Building permit issuance, due to wind-load design elements that will need to meet state building code.

Development Team Comment

The Building Department, nor the Fire Department had any concerns regarding the site plans for the proposed expansion.

Sam Anderson, the City Assistant Engineer, had the following comments:

- *"No major engineering related concerns. Signed civil plans including site plan, grading & drainage, and erosion control plan will need to be submitted for review prior to approval by engineering department. Balsam is currently gravel, so I'm fine with a gravel lot if it's permitted by planning, but pavement is preferred. Any proposed wetland impacts will need to be coordinated through Beltrami County. May want to have a wetland delineation completed unless it's fairly easily defined."*

A building permit will need to be issued prior to construction. Utility as-builts will also need to be

submitted to the GIS Department, which shall include the stormwater.

MnDOT Comment

Jon Mason, District 2 Planning Director of MnDOT, submitted a letter on February 11th 2022 regarding development of the site (attached), in which MnDOT had the following general comments in regards to this proposed site plan:

- *“MnDOT has a U.S. Highway 71 construction project scheduled for the 2022 construction season that will resurface the roadway and make intersection improvements at eight locations between State Highway 197 and Winter Sumac Road. This project includes converting the Balsam Road/U.S. Highway 71 intersection into a Reduced Conflict Intersection (RCI).*
- *MnDOT permits are not required at this time, but the following permit comments are in effect:*
 - *There shall be no net increase in storm water runoff to the Trunk Highway right of way from said property. Computations of all storm water directed toward the right of way shall be provided to MnDOT...The property abuts MnDOT right of way and a permit is warranted if any work is to be performed within the Trunk Highway right of way...”*

RECOMMENDATION & FINDINGS

Staff recommends approval of a conditional use permit (CUP) required for a self-service storage facility located at 1465 Balsam Rd. NW, within the City of Bemidji with the following conditions and findings of fact:

Conditions:

1. Final engineering, grading, erosion control and stormwater plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
2. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
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. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
7. The gravel surface shall be fully screened from public view and all rights-of-ways per Sections 1005 & 1009 of the JPB Ordinance.
8. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.
9. A conditional use permit 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. This commercial 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 residential or commercial areas.

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

No. A slight increase in traffic will occur in the area; however, other negative impacts are not anticipated with the controlled access to Highway 71. The applicant is providing adequate off-street parking on the property.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposed project. Any future proposed uses or changes shall be reviewed in accordance with all zoning requirements and any change in use that requires an amendment to the CUP will be brought back to the Commission and Board for approval.

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 Comprehensive Plan as well as the Zoning & Subdivision Ordinance through an approved CUP.

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

Yes. If necessary for future buildings, the site can be served by private well and septic system designed by a licensed professional.

Commission members had the following comments:

- Steffen commented that he did not understand why the applicants were not required to pave the lot, considering that Northwoods Lumber had requested to build a shed a few years back, and were told they would be required to pave their lot at that time, which caused the project to fall through. Steffen noted that this current proposal appeared to be a discrepancy considering past precedent.
- Phillips responded that public works had been consulted, and with the nature of the operation and expected infrequent and lower volume of traffic on the lot that paving would not be necessary considering the stormwater and approach plans presented.
- Carlson added that the Ordinance change in 2018 modified the requirement for commercial lots to be paved, now only requiring lots in the (B-2) general commercial districts to be paved, while allowing lots in the (B-1) low density commercial and both industrial districts to utilize gravel if a dust mitigation plan is in place and the lot is screened.
- Steffen asked if Northwoods would currently be in the (B-1) or (B-2) commercial district, to which Carlson stated he believes it to be in (B-1), which have different requirements due to the lack of city services and stormwater systems.

Public Hearing opened at 6:40 p.m.

- No comments were provided.

Public Hearing closed at 6:40 p.m.

Motion by Granlund, second by Chambers, to approve a conditional use permit (CUP) required for a self-service storage facility located at 1465 Balsam Rd. NW, and subject to the above stated conditions and findings of fact.

Ayes: Chambers, Lemmer, Granlund, David, Steffen, Faver, Berg.

Nays: None.

Motion carried.

OTHER BUSINESS:

YEAR END REPORT

Carlson presented the 2021 Year End Report to the Commission. Carlson addressed 2021 accomplishments and activity, ordinance amendments, Board and Commission member changes, JPB staff changes, and development numbers. Carlson also discussed the budget and reserves figures, effects from COVID-19, the electronic software implementation, possible extension of sewer services at the north end of the lake, and future plans and goals for the JPB, including a full Ordinance update and its associated timeline. Carlson mentioned that within a couple years staff will be working to update the comprehensive plan, and the current progress towards starting consultations on custom airport zoning.

Granlund asked about the process and expected changes of custom airport zoning. Carlson noted that the process may be similar to other airports such as Duluth, but there are differences in the density of development between the two Cities. Carlson noted there could be some changes to allowed uses in certain zones, or for projects that have required special authorization and variances, especially for those located in Airport Zone B, but that the process and extent of JPB input was still unknown. Carlson clarified that the Airport has its own commission for this task, to which Faver noted that the airport is jointly owned by the City and County, both of which will have interests represented. Carlson noted that surrounding townships would also have the option to take part in the process.

Lemmer asked to confirm the date of the upcoming training session for Commission and Board members, which Carlson confirmed for March 10th. Chambers reiterated the value of the training provided in the past.

ENFORCEMENT REPORT

Fahrenbruch addressed enforcement activity for 2021, her work on other projects and assignments, and January 2022 enforcement numbers, neighborhood outreach activity, and number of active enforcement cases. Fahrenbruch also noted that meetings have been and will further be held with property owners about enforcement plans later this spring.

UPCOMING MEETING DATES:

March 9, 2022	6:00 pm	JPB Regular Meeting
March 10, 2022	1:00 pm	JPB Training
March 24, 2022	6:00 pm	JPC Regular Meeting
April 13, 2022	6:00 pm	JPB Regular Meeting
April 28, 2022	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Steffen, second by Chambers, to adjourn the Regular Planning Commission meeting at 6:50 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
Administrative Assistant

Approved and attested by:  _____
Joint Planning Commission Representative