

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

Thursday, May 25, 2023
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, April 27, 2023 Regular Meeting

NEW BUSINESS

- 1. Visitors Chair

Public Hearings

- 1. City of Bemidji – Interim Use Permit Request for Parcel 80.05544.00 -- New Cingular Wireless PCS, LLC JC
- 2. ~~City of Bemidji – Rezone Request for Parcel 80.02155.00, 80.02156.00, 80.02157.00, 80.02158.00, 80.02159.00, 80.02163.00 & 80.02165.00 – Anthony Bessler~~ ~~MF~~
Postponed until next JPC meeting 6/22/2023
- 3. Northern Township – Conditional Use Permit Request for Parcel 31.00369.00 – Hoover Properties LLC JC

OTHER BUSINESS

- 1. Director’s Report and Site Analyst JC
- 2. Enforcement Report MF
- 3. Upcoming Meetings Chair
 - June 14, 2023 5:00 pm* JPB Regular Meeting
 - June 22, 2023 5:00 pm* JPC Regular Meeting
 - July 12, 2023 5:00 pm* JPB Regular Meeting
 - July 27, 2023 5:00 pm* JPC Regular Meeting
- 4. Adjourn Chair

**Meetings held during summer months (June, July & August) will be at 5:00 pm*

JPC MINUTES

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

**April 27, 2023
6:04 p.m.**

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

CALL TO ORDER: Vice Chair Don Heinonen called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:04 p.m. Roll call was taken and the pledge of allegiance was recited.

MEMBERS PRESENT: Berg, Faver, Steffen, David, Heinonen, Lemmer, McCoy (via WebEx).

MEMBERS ABSENT: Granlund, Chambers, Faver (observed via WebEx).

STAFF PRESENT: Planning Director Jamin Carlson, Compliance Inspector and Site Analyst Melissa Fahrenbruch, Planning Administrative Assistant Ainslee Krause.

OTHERS: Troy Gilchrist (via WebEx), Doug Lindsey, Amy Haskell, Hugh Welle, Matt Murray, Kevin Gish, Ellie Anderson (via WebEx), Deborah Fideldy (via WebEx), Shawn Ruotsinoja (via WebEx).

APPROVAL OF AGENDA:

Motion by **Lemmer**, second by **David**, to approve the agenda as presented. Motion carried.

APPROVAL OF MINUTES:

Motion by **Steffen**, second by **Lemmer**, to approve the minutes from the March 23, 2023, Greater Bemidji Area Regular Joint Planning Commission as presented. Motion carried.

VISITORS WITH BUSINESS NOT ON THE AGENDA: No visitors.

NEW BUSINESS:

Public Hearings:

Carlson addressed the first case, the Interim Use Permit Request for New Cingular Wireless PCS, LLC, has been postponed to the 5/25/2023 JPC Meeting. The applicant has enacted the 60-day extension in order to gather additional information.

Fahrenbruch presented the second case:

PLANNING CASE – ZONING TEXT AMENDMENT REQUEST FOR PARCEL 80.03022.00 – ZOA-2023-0003 – THE FIRST NATIONAL BANK OF BEMIDJI

The First National Bank of Bemidji, is requesting a rezone (ZOA) from (MH) Manufactured Home Park to B-2 General Commercial (North 300 feet of Lots 1, 2, 3 & all of Lot 4) and R-6 Multiple-Family (South 300 feet of Lots 1, 2, 3) for the parcel 80.03022.00 (the old Westwood Acres site), for future development of office/retail and high density residential within the City of Bemidji. A part of Airport Protection Overlay Zone B is in the northwest portion of the lot.

RECOMMENDATION & FINDINGS

JPB staff recommends approval of a rezone from (MH) Manufactured Home Park to B-2 General Commercial (North 300 feet of Lots 1, 2, 3 & all of Lot 4) and R-6 Multiple-Family (South 300 feet of Lots 1, 2, 3) for the parcel 80.03022.00, with the findings of fact presented in the packet.

Commission members had the following comments:

- Steffen requested clarification on zoning. Carlson addressed that the current zoning is MH and the parcel will be split into R-6 and B-2.
- McCoy addressed street improvements to Paul Bunyan Drive NW and how this would affect this property. Carlson noted that future development would be addressed by Public Works department.
- Heinonen inquired about rezoning one parcel into two separate zones. Carlson addressed that the applicant provided two legal descriptions which would suffice for JPB requirements.

Public Hearing opened at 6:18 p.m.

- Hugh Welle, representing The First National Bank, addressed the Commission, highlighted the bank's growth and need for office space. Welle noted that the bank is prohibited from developing the property.
- Shawn Ruotsinoja, program administrator for the Closed Landfill program with the Minnesota Pollution Control Agency (MPCA), addressed the Commission and specified his comments are regarding the closed landfill to the south of the subject property. Ruotsinoja noted that they are neither for or against the rezone, but would like to provide information on the closed landfill to the south. Ruotsinoja noted that they monitor groundwater and methane gas, and there are vents, probes and wells on the property to the south. Ruotsinoja identified that in their monitoring no methane has been detected. Ruotsinoja addressed that barometric pressure can affect venting and methane can migrate laterally. Ruotsinoja addressed that groundwater contamination does exist at the site. Ruotsinoja noted that the groundwater flow is to the east, however they don't know the extent of the groundwater contamination and addressed the possibility of that groundwater migrating elsewhere. Ruotsinoja addressed the potential for the migration of volatile organic compounds (VOCs) or gases in the groundwater up through the soil. Ruotsinoja noted that they will be completing a vapor investigation around the closed landfill and will continue monitoring.

Public Hearing closed at 6:25 p.m.

Commission members had no additional comments.

Motion by **Lemmer**, second by **Steffen**, to approve a Rezone from (MH) Manufactured Home Park to B-2 General Commercial (North 300 feet of Lots 1, 2, 3 & all of Lot 4) and R-6 Multiple-Family (South 300 feet of Lots 1, 2, 3) for the parcel 80.03022.00, subject to the findings of fact presented in the packet.

Ayes: Lemmer, McCoy, Gould, Heinonen, David, Steffen, Berg.

Nays: None.

Motion carried.

Carlson presented the third case:

PLANNING CASE – VARIANCE, REZONE, CONDITIONAL AND INTERIM USE PERMIT REQUESTS FOR PARCEL 80.07008.00 – V-2023-0002, ZOA-2023-0002, & SUP-2023-0006 – GREEN LEGACY INVESTMENTS, LLC

Green Legacy Investments, LLC is requesting multiple special approvals, a rezone, and a variance in order to operate an existing residential closed-landfill property as a commercial boat-wrapping and storage operation while retaining an existing residential rental unit. The requested approvals are as follows:

- 1) Approval of a variance from the specified materials within the paving requirements of §1009;
- 2) Approval of a zoning map amendment to change portions of the property to (B-1) Low Density Commercial;

- 3) Approval of a Conditional Use Permit to allow mixed residential and commercial use of the property; and
- 4) Approval of an Interim Use Permit to operate as an ATV, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service for the boat wrapping and outdoor storage business.

RECOMMENDATION & FINDINGS

JPB Staff recommends approval with the conditions and findings of fact presented in the packet.

Commission members had the following comments on the variance request:

- Lemmer inquired about timeline on paving. Carlson clarified.

Commission members had the following comments on the rezone request:

- Lemmer requested if the rezone will create a spot zone. Carlson inquired that the B-1 zoning would connect to neighboring commercial properties.

Commission members had the following comments on the conditional use permit request:

- Lemmer inquired about timelines proposed by staff. Carlson clarified.
- Heinonen inquired if the properties will be subdivided. Carlson confirmed that the applicant's plan is to divide the property.

Commission members had the following comments on the interim use permit request:

- No comments.

Public Hearing opened at 6:50 p.m.

- Doug Lindsey, representing Green Legacy Investments, LLC, addressed the Commission and noted the low-impact use, utilizing the existing buildings, and the screening.
- Kevin Gish, facility administrator of the Veteran's Home across the road to the south, requested clarification on the location of the access to the property. Carlson confirmed that the access would be to the east of the property and would not be directly across the Veteran's Home access.
- Shawn Ruotsinoja, from the Minnesota Pollution Control Agency (MPCA), and addressed the MPCA has no issue with the zoning request of use permit requests. Ruotsinoja noted the MPCA is in full support of the variance. Ruotsinoja noted that the issues mentioned earlier regarding closed landfills do also apply to this planning case due to the site being a closed landfill. Ruotsinoja shared some history on the site, and noted that they did some borings on the site toward the east and one boring to the northwest that showed elevated volatile organic compounds (VOCs) in the gas and another boring to the southwest, but found that it was not an issue. Ruotsinoja addressed that the MPCA had no issue with the bituminous proposed in the southeast corner of the property. Ruotsinoja noted that it is best for the gases to escape the soils as close to the landfill as possible, and addressed that the MPCA opposes paving the northern part of the property as it could affect methane gases and cause them migrate further north, west or east.
- Ruotsinoja addressed the two controls that are part of this property and noted the first control being an easement covering the entire property, which has a restriction that requires MPCA approval before the placement of any materials, properties or personal equipment. Ruotsinoja identified the second control being a declaration of restrictions and covenants on the property. Ruotsinoja noted that their typical process is to review plans and specs from the applicant and will enter into a consent authorization agreement. Ruotsinoja, Chair Heinonen and Staff discussed timeline for obtaining approval from the MPCA.

Public Hearing closed at 6:58 p.m.

Motion by **Steffen**, second by **Lemmer**, to approve a variance from the specified materials within the paving requirements of §1009, subject to the conditions and findings of fact as presented in the packet.

Ayes: Lemmer, McCoy, Gould, Heinonen, David, Steffen, Berg.

Nays: None.

Motion carried unanimously.

Motion by **Lemmer**, second by **Steffen**, to approve a zoning map amendment to change portions of the property to (B-1) Low Density Commercial, subject to the findings of fact presented in the packet.

Ayes: Lemmer, McCoy, Gould, Heinonen, David, Steffen, Berg.

Nays: None.

Motion carried unanimously.

Motion by **Steffen**, second by **Lemmer**, to approve Conditional Use Permit to allow mixed residential and commercial use of the property, subject to the conditions and findings of fact as presented in the packet.

Ayes: Lemmer, McCoy, Gould, Heinonen, David, Steffen, Berg.

Nays: None.

Motion carried unanimously.

Commission members had additional comments:

- Lemmer requested clarification on required approvals from the MPCA and other city departments. Carlson clarified.

Motion by **Steffen**, second by **Lemmer**, to approve an Interim Use Permit to operate as an ATV, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service for the boat wrapping and outdoor storage business, subject to the conditions and findings of fact as presented in the packet.

Ayes: Lemmer, McCoy, Gould, Heinonen, David, Steffen, Berg.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS:

DIRECTOR'S REPORT:

Carlson presented the Director's Report.

Board members had the following comments:

- Steffen requested an update on Highway 197 improvements. Carlson addressed planned phases.

SITE ANALYST & ENFORCEMENT REPORT:

Fahrenbruch presented the Site Analyst & Enforcement Report.

Board members had no comments.

Carlson addressed that the GBAJPB office will be short-staffed for the near future, which will delay turnaround time for inquiries and permits.

UPCOMING MEETING DATES:

May 10, 2023	6:00 pm	JPB Regular Meeting
May 25, 2023	6:00 pm	JPC Regular Meeting

June 14, 2023 **5:00 pm*** **JPB Regular Meeting**
June 22, 2023 **5:00 pm*** **JPC Regular Meeting**

**Meetings held during summer months (June, July & August) will be at 5:00 pm.*

Steffen requested an update on the potential extension of services along Lake Bemidji. Carlson addressed that there may be an update at the next Joint Planning Board meeting.

ADJOURNMENT:

There being no further business, motion by **Lemmer**, second by **Steffen**, to adjourn the Regular Planning Commission meeting at 7:14 p.m. Motion carried.

Respectfully submitted,

Ainslee Krause
Administrative Assistant

Approved and attested by: _____
Joint Planning Commission Representative

DRAFT

JPB MINUTES

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
May 10, 2023

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on **Wednesday, May 10, 2023**. Chair Chris Lahn called the meeting to order at 6:00 pm.

Upon roll call, the following members were declared present: Prince (attended via WebEx), Thayer, Peterson, Lahn, Frenzel.
Members absent: None.

Staff present: Planning Director Jamin Carlson, Compliance Inspector & Site Analyst/Interim Assistant Planner Melissa Fahrenbruch.

Others in attendance: Hugh Welle, Matt Murray, Troy Gilchrist (via WebEx), Doug Lindsey (via WebEx), Ellie Anderson (via WebEx), Shawn Ruotsinoja (via WebEx), Deborah Fidely (via WebEx).

Pledge of Allegiance was performed.

AGENDA

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

MINUTES

Motion by **Peterson**, second by **Thayer**, to approve the **April 12, 2023** minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of **\$3,243.61** were presented for payment.
- 2) Amend Fee Schedule – **Ordinance No. 2023-05**

Prince requested clarification on amendment to fee schedule. Carlson addressed that the Master Sign Plan Fee was in the Zoning Ordinance, but was not added to the Fee Schedule.

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

VISITORS WITH BUSINESS NOT ON THE AGENDA: No visitors.

NEW BUSINESS:

ORDINANCE 2023-03 – REZONE REQUEST – 80.03022.00 – THE FIRST NATIONAL BANK OF BEMIDJI

The First National Bank of Bemidji, is requesting a rezone (ZOA) from (MH) Manufactured Home Park to B-2 General Commercial (North 300 feet of Lots 1, 2, 3 & all of Lot 4) and R-6 Multiple-Family (South 300 feet of Lots 1, 2, 3) for the parcel 80.03022.00 (the old Westwood Acres site), for future development of office/retail and high density residential within the City of Bemidji. A part of Airport Protection Overlay Zone B is in the northwest portion of the lot.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of a rezone (ZOA) from (MH) Manufactured Home Park to B-2 General Commercial and R-6 Multiple Family for parcel 80.03022.00. Approval recommended with the findings of fact as presented in the packet.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Thayer identified that the site has mature trees. Carlson noted that tree preservation and requirements are in the ordinance and will be required for any development on the property.
- Prince inquired about any other wells or septic systems onsite. Carlson noted that he is unaware of any wells or septic systems onsite, but the closed landfill to the south has monitoring wells from the MPCA.
- Hugh Welle, representing The First National Bank of Bemidji, addressed the Board and identified the seller disclosed that there is a sealed well near the only remaining structure on the property, a storm shelter. Welle identified that there is also an unsealed well on the southeast portion of the property.
- Frenzel expressed concern for the potential traffic pressure on surrounding streets. Carlson noted that traffic would be addressed at the development stage. Carlson identified that Public Works had opportunity to review the request.
- Frenzel inquired if the airport zoning will affect future development. Carlson addressed a portion of the property lies in Airport Zone B, but the airport is currently reviewing zoning requirements.
- Shawn Ruotsinoja, from the Minnesota Pollution Control Agency, addressed the Board and confirmed that there are no monitoring wells on the subject property.

Motion by **Peterson**, second by **Frenzel**, to approve Ordinance 2023-3 for a rezone (ZOA) from (MH) Manufactured Home Park to B-2 General Commercial (North 300 feet of Lots 1, 2, 3 & all of Lot 4) and R-6 Multiple-Family (South 300 feet of Lots 1, 2, 3) for parcel 80.03022.00, with the findings of fact presented in the packet.

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

Nays: None.

Motion carried unanimously.

RESOLUTION 2023-10, ORDINANCE 2023-04, RESOLUTION 2023-11, RESOLUTION 2023-12 – VARIANCE, REZONE, CONDITIONAL USE AND INTERIM USE PERMIT REQUESTS – 80.07008.00 – GREEN LEGACY INVESTMENTS, LLC

Green Legacy Investments, LLC is requesting multiple special approvals. The proposed use is to operate an existing residential closed-landfill property as a commercial boat-wrapping and storage operation while retaining an existing residential rental unit. The requests are as follows:

- 1) Approval of a variance from the specified materials within the paving requirements of §1009;
- 2) Approval of a zoning map amendment to change portions of the property to (B-1) Low Density Commercial;
- 3) Approval of a Conditional Use Permit to allow mixed residential and commercial use of the property; and
- 4) Approval of an Interim Use Permit to operate as an ATV, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service for the boat wrapping and outdoor storage business.

The subject property is the former Kummer Sanitary Landfill property, located at 901 Anne Street NW, parcel 80.07008.00. This parcel is currently in the (R-1) Rural Zoning District and the Airport Zone C and Closed Landfill Overlays.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of the requested Variance, Rezone, Interim Use Permit and

Conditional Use Permit, on parcel 80.07008.00. Approval is recommended with the findings of fact and conditions as presented in the packet.

BOARD DISCUSSION AND DECISION ON VARIANCE

Board members had the following comments:

- Thayer requested clarification on location of the paving, if there would be any disturbance to the wetland, if the storage is enclosed, and tree requirements. Carlson confirmed that paving would be in the southwest corner, the wetland would not be disturbed, the boats would be stored outside on the grass, and identified that there are already trees located at the front of the property so there may be no need for additional trees.

Motion by **Frenzel**, second by **Peterson**, to approve Resolution 2023-10 to approve a variance from the specified materials within the paving requirements of §1009, with the conditions and findings of fact presented in the packet.

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

Nays: None.

Motion carried unanimously.

BOARD DISCUSSION AND DECISION ON REZONE

Board members had the following comments:

- Lahn requested clarification on zoning and timeline for use of the R-1 section. Carlson identified the reasoning for keeping the section containing the closed landfill as R-1. Carlson addressed the R-1 zoning includes the potential for solar development, which is an allowed use on a closed landfill.
- Thayer and Carlson discussed the potential need for water and sewer services to the commercial property. Carlson clarified that the house is on septic and will be kept as a residential house, and the building towards the back of the property is where the commercial use would take place.
- Frenzel and Carlson discussed city services in the area and the city policy regarding when hookup is required. Carlson addressed that there is no sewer main on the street the property is located on.
- Thayer inquired if Public Works commented on the application and requested clarification on services. Carlson addressed that there was no comment from Public Works included in the report. Carlson noted that the property is connected to city water, but not city sewer.

Motion by **Prince**, second by **Peterson**, to approve Ordinance 2023-04 for a zoning map amendment to change portions of the subject property to (B-1) Low Density Commercial, with the findings of fact presented in the packet.

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

Nays: None.

Motion carried unanimously.

BOARD DISCUSSION AND DECISION ON CONDITIONAL USE PERMIT

Board members had the following comments:

- Thayer and Carlson discussed septic drain-field referenced in the report. Thayer inquired as to how many employees there will be and if there is a bathroom located in the back building where the commercial use would take place. Carlson noted that number of employees was not provided to staff, and there is no bathroom in the back building. Carlson noted that it would be a building code question if bathrooms would be required.

Motion by **Lahn**, second by **Peterson**, to approve Resolution 2023-11 for a Conditional Use

Permit to allow mixed residential and commercial use of the property, with the conditions and findings of fact presented in the packet.

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

Nays: None.

Motion carried unanimously.

BOARD DISCUSSION AND DECISION ON INTERIM USE PERMIT

Board members had the following comments:

- Thayer inquired if there is a road through the property to the north to Fern St NW and expressed concern over boats waiting to be wrapped. Carlson addressed that there is no road through the property to Fern St NW, and the responsibility of the location of the boats would be on the owner and they would have to follow requirements and prevent traffic from backing up onto the county road.
- Frenzel expressed concern over effects of the gravel spilling out on the county road and the timeline for requiring paving. Carlson noted that these permits can be brought back and reviewed by the board and the board can change the timelines if they wish to.

Motion by **Peterson**, second by **Thayer**, to approve Resolution 2023-12 for an Interim Use Permit to operate as an ATV, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service for the boat wrapping and outdoor storage business, with the conditions and findings of fact presented in the packet.

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

Nays: None.

Motion carried unanimously.

OTHER BUSINESS:

Carlson requested an update on the Joint Planning Board dissolution.

Board members had the following comments:

- Frenzel noted that Northern Township is willing to give a confirmed end date by July 1, 2023. Frenzel proposed utilizing an outside resource to assist in preparing for dissolution.
- Lahn expressed support for utilizing an outside consultant and requested if an action would need to be taken by the board to allocate funds to this.
- Troy Gilchrist, the GBAJPB attorney, addressed the difficulty in utilizing the same resource for both the city and township. Gilchrist confirmed that the board could agree to utilize an outside consultant revise the Zoning Ordinance for Northern Township and update the Zoning Ordinance back into City Code for the City of Bemidji.
- Lahn inquired what action the board would need to take. Gilchrist recommended the board make a motion to allocate funds to hiring outside resources.
- Prince expressed that he would not be in support of allocating funds until a date for dissolution is finalized.
- Frenzel addressed that the township has hired a zoning administrator and noted that Northern Township and their zoning administrator would be reviewing the Zoning Ordinance to update it for the township.

DIRECTOR'S REPORT

Carlson presented the Director's Report.

SITE ANALYST AND ENFORCEMENT REPORT

Fahrenbruch presented the Site Analyst and Enforcement Report.

Board members had the following comments:

- Members and staff discussed specific sites.

UPCOMING MEETING DATES:

May 25, 2023	6:00 pm	JPC Regular Meeting
June 14, 2023	5:00 pm*	JPB Regular Meeting
June 22, 2023	5:00 pm*	JPC Regular Meeting
July 12, 2023	5:00 pm*	JPB Regular Meeting

****Meetings held during summer months (June, July & August) will be held at 5:00 pm.***

Members addressed that a Joint LGU Subcommittee meeting is scheduled for May 15, 2023 at 2:00 pm and it was noted that township representatives, city representatives and city staff would be present at the meeting.

ADJOURNMENT

There being no further business, motion by **Thayer**, second by **Peterson**, to adjourn the Joint Planning Board meeting at **7:31** p.m. Motion carried.

Respectfully submitted,

Ainslee Krause
Planning & Building Administrative Assistant

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