

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

Thursday, January 27, 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, December 16, 2021 Regular Meeting**

NEW BUSINESS

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

Public Hearings

- 1. **City of Bemidji – CUP-22-80.00794.00 – Coffee Holdings, LLC** **NP**

OTHER BUSINESS

- 1. **Election of 2022 Officers** **Chair**
 - **Chair**
 - **Vice Chair**
- 2. **Director’s Report** **JC**
- 3. **Upcoming Meetings** **Chair**
 - **February 9, 2022** 6:00 pm JPB Regular Meeting
 - **February 24, 2022** 6:00 pm JPC Regular Meeting
 - **March 9, 2022** 6:00 pm JPB Regular Meeting
 - **March 24, 2022** 6:00 pm JPC Regular Meeting
- 4. **Adjourn** **Chair**

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

**January 27, 2022
6:00 p.m.**

**Cisco Webex / Council Chambers
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 6:12 p.m., roll call was taken and the pledge of allegiance was recited.

MEMBERS PRESENT: Berg, Faver, Steffen, David, Heinonen, Granlund (Via WebEx), Gould, Lemmer, Chambers.

MEMBERS ABSENT: None.

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

OTHERS: Jon Fahning, Curt Kliest (via Webex).

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Motion by Faver, second by Granlund, to approve the minutes from the December 16, 2021, Greater Bemidji Area Regular Joint Planning Commission with a correction noted by Faver as he was absent at the last meeting and did not vote on the planning case though it is noted that he voted. Motion carried unanimously.

VISITORS WITH BUSINESS NOT ON THE AGENDA: No visitors.

NEW BUSINESS:

Public Hearings:

Phillips presented the first case:

PLANNING CASE – CUP-22-80.00794.00 – COFFEE HOLDINGS, LLC

Coffee Holdings, LLC is requesting approval of Conditional Use Permit (CUP) to construct a drive-thru for a new Caribou Coffee to be located at 100 Paul Bunyan DR NW, parcel 80.00794.00. This parcel is located in the (B-2) General Commercial Zoning District and the Trunk Highway 197 Overlay District.

Currently, the site is developed with a non-conforming structure previously operated as an auto repair service and gas station. The Applicant approached JPB, city, and MNDOT staff regarding the development of this site as a drive-through location. The Applicant reviewed options for utilizing the site and existing buildings for a drive-through facility, and decided that a tear-down and rebuild was the best option to meet business needs, site limitations, and JPB Ordinance requirements. The proposal would include significant site improvements to meet separation, setback, parking and traffic control requirements, while utilizing an agreement with neighboring

property owners for excess vehicle stacking.

The applicant has proposed to accommodate a half dozen or more vehicles stacked in the drive-through before blocking entry into the lot, and has been in contact with the west neighboring property owner regarding an agreement to allow stacking onto that lot during times of higher traffic. Employee parking spaces shall be provided on the south part of the property, as required by Section 1009, and additional spaces will be available to provide waiting stalls and ADA compliant access as necessary to accommodate business needs. Final site layout has not been decided, but at this point would be substantially similar to the submitted site plans.

It shall be the Applicant's sole responsibility to work with the adjacent Property Owner to obtain easement agreements for shared parking and accesses from public rights-of-way, and to obtain any additional agreements or permissions, as may legally be required to accommodate the construction and use of the requested drive thru.

Per Section 1009 of the Ordinance, restaurants, bars, taverns or cafes are required to have one (1) space per three (3) seats based on maximum fixed seating design capacity for restaurants without liquor service. As the proposed operation is designed to accommodate both pedestrian and vehicular traffic, the nature of the goods sold (beverages) do not necessitate providing seating, and the seating provided may or may not be fixed, the proposed outdoor table space is not used in calculating the required parking. Instead, staff recommend utilizing the maximum number of employees on max shift (four) and an additional space for each three hundred (300) square feet of gross floor space. This would require a minimum of six (6) parking stalls for the business, as proposed.

Landscaping

Outside of the MnDOT easement, this property is entirely covered with impervious surface, with approximately 3,320 square foot of greenspace existing in that the easement. Per Section 1006 of the Ordinance, the site requires one (1) tree per fifty (50) lineal feet of street frontage along with one (1) tree for every 800 square foot of minimum required pervious site surface. A total of seven (7) trees are required throughout the property, with a total of two (2) trees within the front yard setback along the street frontage of Paul Bunyan Dr NW and two (2) trees along the street frontage of Bemidji Avenue North. MnDOT has indicated that trees would not be allowed in the front easement area, due to visibility concerns, and no other front yard areas exist that would allow enough space for these plantings while maintaining safe access to the lot. It is recommended that these plantings be done in other areas of the property to meet the total count requirement. The Applicant has indicated that they would be willing to add some greenspace and plantings to the property, where possible, to help bring it closer to compliance. A final landscaping plan showing the type, size, and location of all greenspace and each tree to be planted shall be submitted for JPB staff approval.

The Applicant is proposing a net gain of approximately 1,765 square foot of greenspace over the property, while accommodating for the new drive-thru and directing traffic. This would bring the property's greenspace overall coverage up around 5,085 square feet or 31.5%, an increase of 10.9% pervious coverage. Staff consider this to meet the most goals of the landscaping standards while working with this site's logistical problems.

Signage

The existing signs currently sit two (2) feet from the curb and within the MnDOT easement. Both are legal non-conformities, as they do not meet the fifteen (15) foot setback per Section 712 of the Ordinance. Due to the proposed curb changes, the Applicant will remove the existing freestanding signs that reside on the property. No freestanding signs have been included in the current plans, and all new site signage, including the proposed wall-mounted signage, will comply with Ordinance Requirements.

MnDOT Comments

Jon Mason, District 2 Planning Director of MnDOT, submitted a letter on May 6th 2021 regarding development of the site (attached). A meeting between MnDOT and city staff was held January 18th 2022, in which MnDOT had the following general comments in regards to this proposed site plan:

- 1) The front easement area should not be used for any permanent infrastructure, as the upcoming Highway 197 resurfacing plans are still being determined.
- 2) Installation of stormwater features in the easement may have negative consequences to the future road-bed and work to be performed for the upcoming project, and are not allowable within the easement.
- 3) Establishing leases for pavement or other features in the easement would require joint agreements, and any improvements would likely be subject to removal in the short term. It is not advisable to create any improvements or plantings within that area.
- 4) The existing access locations are acceptable for MnDOT, based on current planning, however it is highly advised that these accesses be managed as right-in and right-out only.

Staff noted that MnDOT sent a letter in response and addressed that they don't want to see permanent or temporary features in the front easement area because they are unsure of the resurfacing plan for Highway 197.

Development Team Comments

Sam Anderson, City of Bemidji Assistant Engineer, stated the following in regards to the revised site plans for the drive-thru restaurant: The proposed drainage plan shows the greenspace within the MnDOT easement area as a shallow holding swale. This, along with the parallel parking, will need to be approved by MnDOT prior to final review. Stormwater pre- and post- construction calculations will need [to] be provided and approved based on the final site plan prior to construction.

Neighborhood Comment

No neighborhood comments were received at the time of writing this report.

RECOMMENDATION & FINDINGS

The Joint Planning Commission and the Joint Planning Board will have to decide whether or not they support a drive-thru at this subject location, and determine whether the Applicant has done enough to alleviate the congestion and stacking issues by rerouting and controlling customer traffic on the site. If a drive-thru does not properly function on this site, then a CUP denial should be considered. If the proposed plan works, and allows the site to properly function with a drive-thru, then the Commission and Board should review what conditions are warranted for CUP approval.

Staff are providing findings of fact for approval, including some appropriate conditions attached, if granted. If the determination is for denial of the Conditional Use Permit, the Commission and Board shall determine findings of facts that support their decision.

Approval is recommended with the following conditions and findings of fact:

Conditions

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any new dumpsters brought on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.

3. A sign permit shall be obtained prior to the installation of any new signage, which must comply with Section 712 of the Ordinance. All signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. The defined maneuvering drive-thru lanes shall be adequately marked with a painted stripe and/or clear signage to provide direction for customer traffic and to lessen congestion or confusion.
5. If the required egress agreement shall be later terminated between this property owner and the property owner to the west, then the subject property owner is responsible for contacting JPB staff to determine if the driveway parking and stacking redesign requires CUP review by the JPB Board. Failure to inform the JPB or JPB staff of this change shall initiate full CUP review by the Board.
6. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance.
7. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
8. The Applicant is solely responsible for working with the adjacent Property Owner to obtain easement agreement for shared parking and accesses from public rights-of-way, and to obtain any additional agreements or permissions, as may legally be required to accommodate the construction and use of the requested drive thru.
9. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil or removal of impervious areas.
10. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
11. In the event that the proposed drive-thru is found to create an articulable and legitimate safety hazard, the JPB Zoning Administrator shall provide written (including any electronic communication consisting of text message or email) notice to the owner that any drive-thru activities must be immediately suspended. The notice shall include the articulable safety hazard resulting in the required suspension of the use of the drive-thru. The owner shall have ninety (90) days to derive a plan addressing the safety hazard, which may be approved by the JPB Zoning Administrator. Unless extended by the Zoning Administrator, the JPB may hold a hearing after ninety (90) days to formally revoke this CUP.
12. The CUP shall expire and become void if the drive-thru is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the drive-thru are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact

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

No. The Applicant has made a reasonable effort to redirect drive-thru traffic to stack within the property rather than to extend directly out into the right-of-way. Additional stacking, as necessary, will be negotiated with the neighboring property owner. This proposed use should have no additional contribution to traffic safety at this location, as proper site mitigation for maneuvering and traffic control will be in place.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property. The Applicant will have an agreement in place with the property owner to the west pending CUP approval, for allowing the drive-thru customers to utilize their lot for stacking if abnormally high traffic is encountered. The shared access with that property owner will have some traffic mitigation measures installed to help calm, slow down, and redirect traffic as it enters the two properties. A drive-thru restaurant should increase traffic on the property during peak hours.

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

No. The Applicant has proposed an agreement with the western property owner to utilize the additional stacking space, if needed, and will otherwise design the site to accommodate expected traffic. The nature of the use is in line with existing retail and food service operations nearby, and will not negatively encroach on adjacent non-commercial properties.

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

Yes. The proposed use of a drive-thru restaurant is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the B-2 General Commercial Zoning Districts with the issuance of a conditional use permit. The Applicant is planning to alter the site to direct customer stacking away from the Highway to ensure that the property will properly function, eliminating any possible congestion or safety impacts that may occur near the right-of-way.

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

Yes. The subject property is connected to City water and sewer services. While access to existing greenspace for stormwater mitigation is limited, due to the nature of existing easements, advanced stormwater technology is available that can treat the required volume under parking or impervious areas, which will add additional costs to the overall project but allow the site to meet the City's stormwater design standards.

Commission members had the following comments:

- Grandlund inquired about proposed available stacking space. Staff identified that the most recent proposal shows eight (8) stacking spaces.
- Chambers inquired about the fuel tank from the gas station that was located on this property previously. Staff noted that as far as they were aware, the fuel tank had been removed.
- Chambers requested clarification on the parking plan. Staff addressed.

Public Hearing opened at 6:31 p.m.

- Jon Fahning, representing Coffee Holdings, LLC, addressed the Commission and noted the meeting with Staff and MnDOT to discuss the best option for the site.
- Fahning noted that an easement with the neighboring property is not currently a viable option. Fahning noted that their proposed plan has stacking for 7 or 8 cars which is reasonable for their business.
- Fahning noted that he would like to request the condition relating to easements between properties be removed from the list of conditions.
- Fahning noted that MnDOT addressed that the right-of-way could be used by MnDOT in the future so the Applicant noted that continued use by the Applicant is not guaranteed and any improvement would be at the Applicant's risk.

- Steffen requested if the Applicant has made plans for snow removal. Fahning noted they have plans for space on the property, patio, and may need to remove snow from the property if needed.
- Commission members inquired about the possibility of a round-about at this intersection. Members noted that there is no round-about planned for this intersection.
- Fahning addressed the plan discussed with MnDOT for the property's accesses.

Public Hearing closed at 6:38 p.m.

Commission members had additional comments:

- Steffen requested clarification on the condition the Applicant requested be removed. Staff responded that conditions #5 and #8 related to access agreements and could be excluded
- Staff noted that condition #11 gives the authority to review the conditional use permit and noted that the conditions could be removed safely.
- Faver inquired about how much stacking the business would need. Staff noted the Applicant has reviewed studies on other coffee shops and stacking space for 6-8 vehicles is adequate.
- Heinonen inquired about the most current proposed stacking. Staff noted that their calculations included room for eight (8) vehicles.
- Fahning clarified the southeast corner of the property from where the traffic flows up and around serves as additional stacking space.
- David requested clarification on the plan for stacking. Applicant clarified that the eastern access would be what MnDOT calls a three-way intersection.
- Faver inquired about MnDOT's recommendations. Fahning noted that if MnDOT recommends it later, they will change the eastern access to right-in, right-out only.

Motion by Steffen second by Lemmer, to approve a Conditional Use Permit (CUP) to construct a drive-thru for a new Caribou Coffee to be located at 100 Paul Bunyan DR NW, parcel 80.00794.00, subject to the above stated conditions and findings of fact.

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

Nays: None.

Motion carried unanimously.

OTHER BUSINESS:

Election of 2022 Officers

- Nomination by Lemmer to appoint Jeremy Berg as Chair.
Motion carried unanimously.
- Nomination by Steffen to appoint Clark Chambers as Vice Chair.
Motion carried unanimously.
- New officers will be seated at the February 2022 meeting.

DIRECTOR'S REPORT:

Carlson noted Clark Chambers newly seated on the Commission. Carlson addressed upcoming planning cases, and described year-to-date activity as well as completed, current and upcoming development projects, and described enforcement.

UPCOMING MEETING DATES:

February 9, 2022	6:00 pm	JPB Regular Meeting
February 24, 2022	6:00 pm	JPC Regular Meeting

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

ADJOURNMENT:

There being no further business, motion by Steffen, second by Lemmer, to adjourn the Regular Planning Commission meeting at 7:01 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative