

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**City Hall Council Chambers/Webex**  
(For log in information <https://www.jpbgba.org/planning-actions>)  
Wednesday, February 9, 2022 REGULAR MEETING – 6:00 p.m.

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

**A. MINUTES** **Chair**  
Approval of January 12, 2022 Minutes

**B. CONSENT AGENDA**  
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

1. Approve/Pay Bills (see attached list of bills) **Chair**

**C. VISITORS** **Chair**

**D. NEW BUSINESS**  
1. **City of Bemidji – Resolution No. 2022-02 – CUP-22-80.00794.00 – Coffee Holdings, LLC** **NP**

**E. OTHER BUSINESS**  
1. Discussion on JPB staff providing information, planning & research support for Northern Township’s possible utility extension **Chair**  
2. Discussion on a potential Full Ordinance Update **JC**

**F. YEAR END REPORT** **JC**

**G. ENFORCEMENT UPDATE** **MF**

**H. UPCOMING MEETINGS** **Chair**

1. February 24, 2022	6:00 pm	JPC Regular Meeting
2. March 9, 2022	6:00 pm	JPB Regular Meeting
3. <b>March 10, 2022</b>	<b>1:00 pm</b>	<b>JPB Training</b>
4. March 24, 2022	6:00 pm	JPC Regular Meeting
5. April 13, 2022	6:00 pm	JPB Regular Meeting

**I. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**February 9, 2022**

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, February 9, 2022, at 6:00 p.m. Chair Jorge Prince called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Prince, Peterson, Lahn, Frenzel.

Members absent: Thayer.

Staff present: Jamin Carlson, Ainslee Krause, Nick Phillips, Melissa Fahrenbruch.

Others in attendance: John Fahning.

Pledge of Allegiance was performed.

AGENDA

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

MINUTES

Motion by Frenzel, second by Peterson, to approve the January 12, 2022 minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$1,336.58 were presented for payment.

Frenzel requested staff to consider formatting the budget to compensate for the irregular income, specifically the quarterly LGU contributions. Staff noted that they would discuss with the City Finance Department.

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

NO VISITORS

NEW BUSINESS

**RESOLUTION 2022-02 – 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, and parking and traffic control requirements.

The applicant has proposed to accommodate a half dozen or more vehicles stacked in the drive-through before blocking entry into the lot. 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.

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.

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.*

### **MnDOT Comments**

Jon Mason, District 2 Planning Director of MnDOT, submitted a letter on May 6<sup>th</sup> 2021 regarding development of the site (attached). A meeting between MnDOT and city staff was held January 18<sup>th</sup> 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.

### **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 considers this to meet the most goals of the landscaping standards while working with this site's logistical problems.

Alternate stormwater mitigation strategies are available, such as stormwater technology or a combination of traditional features and technology solutions

Compliance with the City stormwater design guide is possible, and must prevent any increase in runoff to the City system or MnDOT ROW.

Staff noted that two of the conditions that were included in the initial proposal could be removed at the discretion of the Board as they relate to an agreement with the neighbor for stacking. The Applicant has noted that an easement agreement with the neighbor is no longer an option.

### **RECOMMENDATION & FINDINGS**

JPC and Staff recommend 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.

Approval recommended with the following findings of fact and conditions:

#### **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.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Members and staff discussed accesses and MnDOT's future plans for Highway 197, and the location of the proposed building.
- Frenzel requested that the word "new" be removed from condition #2 in order to bring all dumpsters into compliance.
- Members discussed removing conditions #5 and #8 regarding the neighboring easement agreement noted by staff.

Motion by Peterson, second by Lahn, to approve Resolution 2022-02 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, with conditions number #5 and #8 removed and with the word "new" removed in condition #2, and with the findings of fact as stated.

**Conditions:**

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any 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. 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.
6. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
7. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil or removal of impervious areas.
8. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
9. 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.
10. 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.

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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.

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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.

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

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

1. Discussion on JPB staff providing information, planning & research support for Northern Township's possible utility extension.

- Frenzel requested if any board member has concerns about staff devoting time to this to make their concerns known.
- City board members expressed support for staff to devote time to this potential utility extension.

2. Discussion on a potential Full Ordinance Update

- Staff noted that the most recent full Ordinance update was completed in 2018, and a full Ordinance update is recommended by the Joint Planning Board attorney every few years.
- Frenzel requested the reviews of the Ordinance take place in separate work sessions apart from regular Joint Planning Commission and Board meetings.
- Staff noted the general timeline would be 6-9 months, and staff will look into the process to start.
- Members inquired if the work sessions would be open to the public. Staff will find out and report back.

YEAR END REPORT

Carlson presented the 2021 Year End Report to the Board. Carlson addressed 2021 accomplishments and activity, including ordinance amendments, Board and Commission member changes, JPB staff changes, and development. Carlson discussed the effects from COVID-19, the electronic software implementation, the budget, possible annexation or extension of sewer services at the north end of the lake, and future plans and goals for the JPB, including a full Ordinance update.



Peterson inquired about Pizza Ranch. Staff noted that it is in process and the development agreement may be signed later this week.

Frenzel requested clarification on the budget. Staff will obtain clarification from the City Finance Department, and will report back.

Members and staff discussed custom airport zoning.

**ENFORCEMENT REPORT**

Fahrenbruch addressed enforcement activity for 2021 and January 2022.

Prince made comment that neighborhood letters should also be sent to the other wards, when done with the Wards 1, 2, & 4.

Frenzel noted that Fahrenbruch will be attending Northern Township board's meeting on this upcoming Monday.

**UPCOMING MEETING DATES**

February 24, 2022	6:00 pm	JPC Regular Meeting
March 9, 2022	6:00 pm	JPB Regular Meeting
<b>March 10, 2022</b>	<b>1:00 pm</b>	<b>JPB Training</b>
March 24, 2022	6:00 pm	JPC Regular Meeting
April 13, 2022	6:00 pm	JPB Regular Meeting

**ADJOURNMENT**

There being no further business, motion by Peterson, second by Lahn, to adjourn the Joint Planning Board meeting at 6:52 p.m. Motion carried.

Respectfully submitted,

Ainslee Krause  
Planning & Building Administrative Assistant

JPB Minutes approved and attested by:

Joint Planning Board Representative