

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

**April 28, 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, Steffen, David, Heinonen, Granlund (via Webex), Gould, Lemmer, Chambers.

MEMBERS ABSENT: Faver.

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

OTHERS: Kelly Moe, Jackie Moe, Todd Strassburg, Carrie Strassburg.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Motion by Steffen, second by Lemmer, to approve the minutes from the March 24, 2022, Greater Bemidji Area Regular Joint Planning Commission as presented. Motion carried unanimously.

VISITORS WITH BUSINESS NOT ON THE AGENDA:

No visitors.

NEW BUSINESS:

Public Hearings:

Phillips presented the first case:

PLANNING CASE – Z-22-31.00441.00 – KELLY & JACQUELINE MOE

Kelly & Jacqueline Moe are requesting a rezone of a previously developed parcel (PID 31.00441.00), currently in the B-1 Low-Density Commercial District, to R-2 Suburban Residential. This property is located on the northwest side of Fairgrounds Rd NW at 7493 Fairgrounds Rd NW in Northern Township. Currently the property is developed for single family residential use, and was recently purchased by the applicants under the assumption that the use may continue. The applicants approached Staff inquiring about the potential construction of a storage and garage structure, which would not be put to commercial use. Staff explained that, unless a commercial use were started on the lot, expansion of the non-conforming use would not be allowed under the current zoning district.

Commercial districts are best located along such high traffic corridors, and separation of parcels by such corridors does not change the overall character of the commercial built environment. On the other hand, highway corridors do not fit with the character of a residential neighborhood. This is evidenced by the construction of noise barrier walls along highways, as seen adjacent to

many residential neighborhoods around metropolitan areas. The argument that such a separation should not be viewed as a break in the district ignores the intended character of those spaces, and the obvious mitigations used to reduce traffic noise in those areas.

The applicants approached Staff inquiring about the potential construction of a storage and garage structure, which would not be put to commercial use. Staff explained that, unless a commercial use were started on the lot, expansion of the non-conforming use would not be allowed under the current zoning district.

The Greater Bemidji Area Comprehensive Plan shows the area is already zoned in harmony with the proposed future land use patterns. While the residential use is not likely to be encroached upon by the existing commercial uses, there is the potential for redevelopment and intensification of those uses to occur. Staff acknowledge that the current characteristics of the property make it well suited to continue in a residential use, considering the dense vegetation that acts to buffer the dwelling from surrounding land uses. It should be noted that rezoning to residential allows for extensive tree clearing, with only two front yard greenspace trees required under §1007. A rezone cannot be conditioned to preserve trees.

Outside of the base minimum landscape standards for commercial lots, there are no good controls available within the Zoning Ordinance to protect the existing trees, and removal of those trees eliminates the only positive isolating feature of the property that would promote residential character.

Development Team Comment

No comments were received from the development team, which included the Township, County, MnDOT, JPB Attorney, Sheriff, and Fire Department.

Neighborhood Comment

At the time of writing this report, no neighborhood concerns were received.

RECOMMENDATION & FINDINGS

After thorough evaluation, staff recommends denial of this rezone of the subject property, parcel 31.00441.00, from (B-1) Low Density Commercial to (R-2) Suburban Residential, which would allow continued re-development of the property for single-family residential use. Denial 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.

No. The proposed future land use is not consistent with the surrounding properties and zoning districts. Properties along Fairgrounds Rd NW have been developed commercial and public gathering event spaces for quite some time, and the intensification of single-family uses is not 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.

No. While this area is currently made up of a mix of commercial and residential uses, the existing commercial lots in the vicinity are better suited to further commercial development. Further establishing the residential use of this property would not be a good fit with the development potential of Fairgrounds Rd NW, and no guarantee can be placed that development allowed under a residential zoning district could properly isolate the residential character of the property from surrounding land uses.

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 this lot for appropriately sized replacement septic systems to be designed and installed, and individual wells can be installed to meet all required isolation distances, and existing septic and well are known to be compliant.

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

No. This proposal would resolve an existing non-conforming use of a property, allowing the current owner more flexibility in re-developing the lot, but does not follow the goals of the comprehensive plan. Commercial uses fit best in areas within a frontage road and freeway corridor, while residential zones are best designed when the entire zone can be managed uniformly for traffic control, noise, and consistent distribution of utility services. Creating an intensification of residential use at this location could impact the remaining commercial properties along this corridor, imposing more mitigative standards on any re-development or intensification of use that may be planned in the future.

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. Retaining existing residential housing is ideal for keeping housing costs low and affordable, and the intensification towards mixed or commercial uses from residential may pose a housing supply problem.

Commission members had the following comments:

- Berg inquired as to the history of the zoning of the property. Phillips noted that it was zoned commercial when the Zoning Ordinance went into effect in 2007.
- Gould inquired about the age of the house and when the road was put in. Staff addressed that they did not have this information.
- Berg asked for clarification on the reason for the rezone. Phillips clarified that the property owner wishes to build a garage for residential use.

Public Hearing opened at 6:12 p.m.

- Jackie Moe addressed the Commission, and identified the plan to build a garage. Moe noted that they did not know that this property was zoned commercial when they purchased it.
- Lemmer inquired as to how long the applicant has lived on the property. Moe responded that they have lived on the subject property for a year and a half.
- The applicant showed the Commission the property tax statement which states that the use is residential. Staff clarified the difference between the property tax statement and the zoning ordinance.
- Members and staff discussed commercial use and nonconformities.
- Chambers noted the due diligence of the applicants in coming to City Hall to obtain a Land Use Permit.
- Granlund noted concern with a denial.

Public Hearing closed at 6:24 p.m.

Commission members had additional comments:

- Steffen inquired about the possibility of enacting the 60-day rule. Staff identified that a 60 day extension could be enacted.

Motion by Gould, second by Steffen, to approve the rezone.

Additional comments from Commission Members and Staff:

- Staff noted the need to write up findings of facts for approval in order to vote on an approval.
- Heinonen noted concern with spot zoning with that area trending towards commercial.

Gould withdrew his motion for approval.

Motion by Gould, second by Steffen, to enact a 60-day extension on this request for a rezone of parcel 31.00441.00.

Staff noted that they will give the applicant written notice of the 60-day extension and then staff will draw up findings of fact for approval. Staff clarified that this planning case will come back before the Planning Commission in May, and then will be heard by the Joint Planning Board in June.

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

Motion carried.

Carlson presented the second case:

PLANNING CASE – V-22-80.05990.00 – CARRIE STRASSBURG

Carrie Strassburg of Strassburg Enterprises LLC is requesting a variance from the minimum standard parking requirements (as stated in the South Shore Planned Unit Development [SSPUD] for the requirement of 50% of parking within the property boundaries). The request is to utilize 100% of the required parking (which equates to 36 total parking stalls) on the existing, adjacent Bemidji Economic Development Authority (BEDA) parking lots located in Outlots E, F, & G per the SSPUD that are adjacent to Event Center Dr. NE & Lake Shore Dr. NE.

JPB Staff met with the Applicants multiple times to discuss uses, layouts for the proposed uses, and processes for the South Shore Planned Unit Development (SSPUD). As this parcel had been for sale for quite some time, staff noted that it was the only parcel in the SSPUD that abutted the Outlots for parking and that it would make the most sense to utilize the exiting, expansive parking area already in place.

Per the SSPUD: Lot 1 of Block 6 will need to meet a minimum of 50 percent of its parking requirement within the property boundaries. The developer for Lot 1 of Block 6 may consider the use of City parking lots located in Outlots E, F and G. These public parking lots will be available for short-term parking as well as long-term parking by permit. The Applicant has stated that their total number of needed parking spaces is 36 and to note that 26 spaces border the lot to the east.

Exterior Lighting

All exterior lighting existing and/or proposed for this structure shall meet Section 1008 of the Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval prior to a building permit being issued.

Trash Handling

Any dumpsters brought on site shall comply with Section 1002 of the Ordinance and be fully enclosed.

Landscaping per the SSPUD

A minimum of 50 percent of each yard setback area must be landscaped. Landscaping will follow the "Northwoods" theme established within the PUD. Native plants, shrubs and trees will be used. A detailed landscaping plan will be submitted at the time of site plan review for the proposed development.

Development Team Comment

Neither Public Works, the GIS Department, the Building Department, nor the Fire Department had any concerns regarding this variance request.

Neighborhood Comment

At the time of writing report, no input was received.

RECOMMENDATION & FINDINGS

Staff recommends approval of the variance from the SPPUD parking standards for parcel 80.05990.00 in order to utilize the existing parking lot that is located in the BEDA Outlots within the City of Bemidji.

Approval recommended with the following conditions and findings of fact:

Conditions:

1. A building permit and all other necessary permits shall be obtained from the City of Bemidji prior to construction.
2. All proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance and the SSPUD.
3. 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.
4. A landscaping plan shall comply with the SSPUD.
5. A sign permit shall be obtained prior to any signs being erected on the properties per Section 711 of the Ordinance.
6. An erosion control plan shall be submitted and be in place before any construction commences on the property.
7. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
8. The variance shall expire and become void if the lot division 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 lot creation 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. Due to ingress & egress issues with the one-way traffic along the two road frontages along with making space on this small lot for parking demonstrates the need for a variance.

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

Yes. A practical difficulty exists as the current lot is surrounded by road frontages on two sides along with a 20' drainage easement on the east side.

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. Utilizing the existing Outlots for parking would be in keeping with not only the Zoning Ordinance but also with the spirit and intent of the SSPUD.

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

Yes. This variance will not alter the essential character of the area. Again, utilizing the existing parking Outlots will limit the need for more paved surface along with enhancing the character of the neighborhood by providing more greenspace.

Public Hearing opened at 6:39 p.m.

- Lemmer inquired about the applicant's plan. Carrie Strassburg addressed that the current plan is for the business to be seasonal.
- Gould inquired about any plan for expansion. Strassburg stated there are currently no plans for expansion, but possibly in the future.

Public Hearing closed at 6:41 p.m.

Commission members had additional comments:

- Lemmer inquired about sidewalks. Staff noted that a sidewalk will be included in their plan.

Motion by Heinonen, second by Chambers, to recommend approval for a variance from the minimum standard parking requirements (as stated in the South Shore Planned Unit Development [SSPUD] for the requirement of 50% of parking within the property boundaries). The variance request is to utilize 100% of the required parking (which equates to 36 total parking stalls) on the existing, adjacent Bemidji Economic Development Authority (BEDA) parking lots located in Outlots E, F, & G per the SSPUD that are adjacent to Event Center Dr. NE & Lake Shore Dr. NE.

Approval recommended with the above stated conditions and findings of fact.

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

Nays: None.

Motion carried.

Phillips presented the third case:

PLANNING CASE – CUP-22-80.05569.00 – HANSON CONTRACTING

Derek Hanson of Hanson Contracting is requesting a conditional use permit to operate a contractor shop on a partially developed parcel (PID 80.05569.00) located at 3426 Irvine Ave NW, currently in the B-1 Low-Density Commercial District.

The site is a partially developed B-1 lot with a conforming structure that was previously operated as an auto sales office. The current owner has utilized the site as general office space, keeping with the existing use of the structure up to this point. The Applicant approached JPB staff regarding further development of this property, and the expansion of the office to include a contractor shop

and storage space.

The Applicant reviewed options for utilizing the site and existing buildings for the facility, and decided that an extension from the existing office front was the best option to meet business needs. The proposal would include site improvements to meet parking and traffic control requirements, landscaping, and all other applicable performance standards.

The applicant has noted that cooperation with the County Highway department would be sought to reduce access widths as part of the reconstruction project, with final layout meeting all Ordinance requirements. The front of this lot contains the bulk of the impervious surface for the property, with approximately 1,394 square foot of greenspace existing between the road and building front. A total of nine (9) trees are required throughout the property, with a total of three (3) trees within the front yard setback along the street frontage of Irvine Avenue North. As there are currently a limited number of high-quality trees on this site, the addition of the frontage trees and some additional plantings are sufficient to meet ordinance standards.

The existing site is currently zoned B-1 Low Density Commercial, however municipal services will be installed under this stretch of Irvine Avenue in the coming year, and due to the state of existing sanitary services on the lot, staff propose that development of this lot over the next year be viewed under the requirements of a B-2 General Commercial District. The applicant is proposing installation of a holding tank south of the existing building. Staff would recommend that this would be operated under a management plan until such time that City sewer is completed along Irvine Avenue. Once sewer is available, use of the holding tank would need to be ceased and the applicant must then connect to City sewer in such a way that meets all plumbing code requirements.

Beltrami County Highway Department Comments

Bruce Hasbargen with Beltrami County coordinated with the applicant in preparation for the upcoming development, submitting directly to Derek Hanson regarding the initial development proposal. Following response from Hanson, Hasbargen submitted the following comment on the CUP proposal:

“Beltrami County Highway Department does not have any issues with the CUP request.

We have had preliminary discussions with Derek Hanson regarding modifications to the entrances on Irvine. The upcoming reconstruction of Irvine Avenue will include a review of location, number and size of entrances. He has expressed that he will work with us and the site plan denotes such. We are good with the CUP as presented.”

Development Team Comment

Sam Anderson, City of Bemidji Assistant Engineer, stated the following in regards to the site plans for the proposal:

“Hello, Plan is still to have city sanitary sewer available to this property by summer of 2023 with the County road project. I’m assuming they’ll want to also connect the new floor drains to the municipal sanitary sewer, but this will require a flammable waste interceptor.

Road access points may be something Bruce wants to discuss with them, but they don’t appear to be modifying them with this current proposal.

We’ll want some basic grading & drainage plans and erosion control, which could maybe be included all on one site plan, but otherwise this looks pretty straightforward.”

Neighborhood Comment

No neighborhood comments were received.

RECOMMENDATION & FINDINGS

Staff recommends approval of a conditional use permit to operate a contractor shop on a partially

developed parcel (PID 80.05569.00) located at 3426 Irvine Ave NW.

Approval recommended with the following findings of fact and conditions:

Conditions:

1. The applicant shall work with the County Highway Department on the final design of the approaches to the property, and shall convert any areas that will not be allowed for those future accesses to greenspace as necessary to meet Zoning and Subdivision Ordinance §1009A3(a) requirements.
2. 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 proposed use.
3. The installation of a holding tank to provide sewer service for the office building shall only be allowed as part of a holding tank management plan, which shall expire twelve months after municipal sewer services become available adjacent to the subject property. After such time, any such holding tank permitted by JPB staff must be properly abandoned or retrofitted to meet all applicable code requirements and state rules.
4. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all work is completed to a satisfactory condition, following all Laws, Rules, Code and Ordinance requirements applicable to the site.
5. The CUP shall expire and become void if the use 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 construction 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 traffic to flow within the property rather than impact traffic in the roadway. Additional paving, as necessary, will be added to the site if required to meet this goal. 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 existing shared accesses will be studied for traffic mitigation measures during the road reconstruction process to help calm, slow down, and redirect traffic as it enters the impacted properties.

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

No. The nature of the use is in line with existing commercial 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 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. Conditions have been included that will ensure the existing accesses will be modified to meet the road corridor safety needs, while allowing traffic to flow smoothly to and from the site.

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 will be required to hook up to sewer services when they become available in the near future. Existing greenspace is more than adequate for stormwater mitigation to be designed that meets the City's stormwater design standards.

Commission members had the following comments:

- Lemmer requested staff clarify what the specific use of the shop would be, to which Phillips clarified is typically for interior storage and loading of materials onto contractor vehicles.
- Steffen asked what type of contracting Hanson performs, to which Phillips noted they are primarily an electrical contractor.
- Members and staff discussed the current location of the applicant's business.
- Members and staff discussed the additional conditions proposed by staff.

Public Hearing opened at 6:53 p.m.

- No public comment received.

Public Hearing closed at 6:53 p.m.

Commission members had additional comments:

- Berg expressed concern about the site and the potential for sprawling on the site.
- Chambers noted the possibility of using the nuisance ordinance for cleaning up sites.
- Staff noted that outside storage would be addressed by staff if the applicant chose to utilize outdoor storage in the future.
- Staff noted that the Commission could add proposed conditions from staff and also a condition regarding outside storage complying with the Ordinance.

Motion by Heinonen, second by Steffen, to approve a conditional use permit to operate a contractor shop on a partially developed parcel (PID 80.05569.00) located at 3426 Irvine Ave NW, subject to the above stated findings of fact and the following conditions with additions as discussed, including a condition stating that the Development Agreement will require the applicant to comply with the outside storage screening requirements of the Ordinance:

Conditions

1. The applicant shall work with the County Highway Department on the final design of the approaches to the property, and shall convert any areas that will not be allowed for those future accesses to greenspace as necessary to meet Zoning and Subdivision Ordinance §1009A3(a) requirements.
2. 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 proposed use.
3. The installation of a holding tank to provide sewer service for the office building shall only be allowed as part of a holding tank management plan, which shall expire twelve months after

municipal sewer services become available adjacent to the subject property. After such time, any such holding tank permitted by JPB staff must be properly abandoned or retrofitted to meet all applicable code requirements and state rules.

4. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
5. 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.
6. 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.
7. 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.
8. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil or removal of impervious areas.
9. Any outdoor storage of supplies, materials, or equipment must be conducted in a manner that meets the performance standards of Article X of the Ordinance, including any necessary paving and screening that may be required.
10. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all work is completed to a satisfactory condition, following all Laws, Rules, Code and Ordinance requirements applicable to the site.
11. The CUP shall expire and become void if the use 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 construction 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.

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

Nays: None.

Motion carried.

OTHER BUSINESS:

DIRECTOR'S REPORT AND SITE ANALYST & ENFORCEMENT REPORT:

Carlson addressed upcoming planning cases, and described year-to-date activity as well as completed, current and upcoming development projects, and described enforcement.

Commission members had the following comments:

- Chambers inquired about the old landfill site on Anne Street. Staff noted they have no information on this site, however, there are possible development opportunities on the back part of the property.
- Gould inquired about the old Bunkhouse, and Staff noted that it has been converted to offices.
- Heinonen requested updates on area mobile home parks. Staff addressed.
- Steffen inquired about lawns. Staff highlighted that the City is promoting "No Mow May" and noted that native landscaping is allowed, with specific requirements as outlined by the Ordinance.

UPCOMING MEETING DATES:

May 11, 2022 6:00 pm JPB Regular Meeting

May 26, 2022	6:00 pm	JPC Regular Meeting
June 8, 2022	6:00 pm	JPB Regular Meeting
June 15, 2022	5:00 pm	Joint LGU Meeting
June 23, 2022	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Heinonen, second by Chambers, to adjourn the Regular Planning Commission meeting at 7:10 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
Administrative Assistant

Approved and attested by:


Joint Planning Commission Representative