

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

**Thursday, February 28, 2019  
6:00 P.M.**

**Council Chambers, City Hall  
317 4<sup>th</sup> ST NW  
Bemidji, MN 56601**

**AGENDA**

- |   |              |
|---|--------------|
| <p>➤ <b>Call to Order/Roll Call</b></p>             | <b>Chair</b> |
| ➤ <b>Pledge of Allegiance</b>                       |              |
| ➤ <b>Approve Agenda</b>                             |              |
| ➤ <b>Approve Minutes</b>                            |              |
| • <b>Thursday, January 24, 2019 Regular Meeting</b> |              |

**NEW BUSINESS**

- |                    |              |
|--------------------|--------------|
| <b>1. Visitors</b> | <b>Chair</b> |
|--------------------|--------------|

**Public Hearings**

- |   |           |
|---|-----------|
| <b>1. <u>City of Bemidji</u> - V-19-80.02632.00 – David Scheer</b>            | <b>JC</b> |
| <b>2. <u>City of Bemidji</u> – CUP-19-80.06874.00 – H.U.U.F.</b>              | <b>CM</b> |
| <b>3. <u>City of Bemidji</u> – IUP-19-80.05065.00 – Sanford Health</b>        | <b>JC</b> |
| <b>4. <u>City of Bemidji</u> – Plat-19-Second Addition to Industrial Park</b> | <b>CM</b> |
| <b>5. Adoption of 2040 GBAJPB Comprehensive Plan</b>                          | <b>CM</b> |

**OTHER BUSINESS**

- |  |              |
|--|--------------|
| <b>1. Temporary Storage Discussion</b>                 |              |
| <b>2. Director’s Report</b>                            |              |
| <b>3. Upcoming Meetings</b>                            | <b>Chair</b> |
| • March 13, 2019      6:00 pm      JPB Regular Meeting |              |
| • March 28, 2019     6:00 pm      JPC Regular Meeting  |              |
| • April 10 , 2019     6:00 pm      JPB Regular Meeting |              |
| • April 25, 2019     6:00 pm      JPC Regular Meeting  |              |
| <b>4. Adjourn</b>                                      | <b>Chair</b> |

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

**February 28, 2019  
6:00 p.m.**

**City Hall  
Conference Room**

**CALL TO ORDER:** Chair Chris Lahn called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m., roll call was taken and the pledge of allegiance was recited.

**MEMBERS PRESENT:** Berg, Faver, David, Heinonen, Lahn, Lemmer, Miller, Smith

**MEMBERS ABSENT:** Steffen

**STAFF PRESENT:** Casey Mai, Jamin Carlson, Terri Ball

**OTHERS:** Brian Freeberg, Brent McWithey, Joe Lorence, John Maltais, Ernie Beitel, Joy Foy, Paul Nistler, David Scheer, Jim Perish, Adam Steele, Sarah Winkle, Kay Mack

**APPROVAL OF AGENDA:**

Motion by Miller, second by Heinonen, to approve the updated agenda.

Motion carried unanimously.

**APPROVAL OF MINUTES:**

Motion by Lemmer, second by Smith, to approve minutes from the January 24, 2019, Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

**NEW BUSINESS:**

**VISITORS:**

No one addressed the commission.

**Public Hearing:**

**Carlson presented the first case:**

**PLANNING CASE – V-19-80.02632 – David Scheer**

The applicant is requesting a variance to construct a single family home on a substandard lot of record in the (R-5) High Density Residential Zoning District and Shoreland Overlay within the City of Bemidji located on Gemmell Ave. The minimum lot size in the MHB overly is 20,000 square feet for a non-riparian lot. The applicant's lot is 12,197 square feet. The site plan shows that the proposal will maintain all necessary JPB ordinance setbacks.

**BACKGROUND**

The applicant is requesting approval to construct a 1,600 square foot single-family home. The applicant met with JPB staff with a proposal to develop on a substandard lot in the shoreland overly. The lot is currently undeveloped and meets the R-5 underlying zoning lot requirements, but not the

shoreland or MHB standards.

## **PLANNING CONSIDERATIONS**

### **Existing Conditions**

This is an existing, non-riparian, undeveloped, MHB substandard lot of record.

### **Landscaping**

The site plan shows a porous driveway which will lessen the impervious impact from the development of the lot. Based upon the submitted site plan, the proposed property will be roughly 18% impervious coverage after construction. The maximum impervious coverage allowed within the shoreland overlay is 25%.

Per Section 1006, all one and two family dwellings shall preserve existing trees or plant at least two (2) trees between the front property line and the minimum front yard setback line. The applicant will be required to submit a landscaping plan identifying the type, size and location of the two (2) trees required for this property at the time of applying for a building permit.

### **Development Team: (Public Works/Engineering, Building, GIS & Fire Department)**

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

Public Works/Engineering stated that a grading & drainage plan be provided prior to building permit being issued. Additionally, the city engineer stated that public works will need a five foot (5') utility easement along the west side of the parcel for their existing storm sewer line.

### **Neighboring Property Input**

At the time of writing report, no neighborhood input was obtained.

### **Mississippi Headwaters Board (MHB)**

Tim Terrill, MHB Executive Director had the following to say about the proposed project and the provided site plan:

*The variance request is for a non-conforming lot in the MHB Comprehensive Plan. Therefore the single family home must have a type 1 septic system or be hooked up to a public sewer and impervious surface cannot exceed 25 percent. As an additional comment, I would suggest that the home be moved as least 100' or as far as possible from the Lake Irving OHWM.*

Note: the closest property line for the proposed variance to Lake Irving is 125' away from the OHWM.

### **Comprehensive Plan References**

A reasonable use of property is in keeping with the spirit, purpose and intent of the GBAJPB Land Use Plan.

## **RECOMMENDATIONS**

Staff recommends approval of a variance to construct a new single family structure on a substandard parcel of land in the (R-5) High Density Residential District within the shoreland overlay with the following conditions:

1. Pervious pavement system shall be constructed to standards as designed on site plan provided by licensed professional.
2. The pervious pavement system shall always remain in place.

3. A development agreement between JPB and landowner at time of construction stating that the pervious pavement system will be maintained in a functioning condition as designed, and any replacement will meet or exceed the approved design parameters will be signed notarized and recorded.
4. Applicant shall submit grading and drainage plans to city staff for approval prior to construction.
5. Applicant shall obtain all necessary building, E911, driveway, and stormwater/erosion permits before construction begins.
6. Applicant shall create a five foot (5') easement running along the west side yard lot line for all future maintenance of existing stormwater sewer line.

Two (2) trees shall be preserved or planted within the front yard setback complying with Section 1006 of the GBAJPB ordinance. The applicant shall submit a landscaping plan identifying the type, size and location of the two (2) trees required for this property at the time of applying for a building permit.

**Public Hearing opened at 6:10 p.m.**

David Scheer stated that this home will enhance the neighborhood and also that he can meet all the conditions set by staff. John Maltais questioned if the home will be owner occupied or rented out. Scheer explained that he will be the full time resident of the home. Commissioner Miller asked if anything once existed on the now vacant lot. Commissioner Lemmer described a house that once existed on the property line, but has been gone for many years. Lemmer also stated that she is a neighbor and chooses to abstain from voting on the motion.

**Public Hearing closed at 6:13p.m.**

Motion by Smith, second by Heinonen to approve a variance to construct a new single family structure on a substandard parcel of land in the (R-5) High Density Residential District within the shoreland overlay with the following conditions:

1. Pervious pavement system shall be constructed to standards as designed on site plan provided by licensed professional.
2. The pervious pavement system shall always remain in place.
3. A development agreement between JPB and landowner at time of construction stating that the pervious pavement system will be maintained in a functioning condition as designed, and any replacement will meet or exceed the approved design parameters will be signed notarized and recorded.
4. Applicant shall submit grading and drainage plans to city staff for approval prior to construction.
5. Applicant shall obtain all necessary building, E911, driveway, and stormwater/erosion permits before construction begins.
6. Applicant shall create a five foot (5') easement running along the west side yard lot line for all future maintenance of existing stormwater sewer line.
7. Two (2) trees shall be preserved or planted within the front yard setback complying with Section 1006 of the GBAJPB ordinance. The applicant shall submit a landscaping plan identifying the type, size and location of the two (2) trees required for this property at the time of applying for a building permit.

And with the following findings:

**1. Has the applicant demonstrated a practical difficulty?**

Yes. This is an existing lot of record, the surrounding area is developed on small substandard lots as well. Without a variance, the lot could not be built upon as it does not meet minimum lot size for the MHB Ordinance.

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

Yes. The applicant's lot was platted and zoned for high density residential use, without variances very few properties in this neighborhood would meet the MHB standards.

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

Yes. This request is proposing to make use of the property in a reasonable manner while making improvements and maintaining environmental quality.

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

Yes. Since the proposed variance request is for a single family home, it would fit well within the surrounding area and would not alter the character.

Motion carried. Abstention by Lemmer.

**Mai presented the second case:**

**PLANNING CASE – CUP-19-80.06874.00 – Headwaters Unitarian Universalist Fellowship**

Headwaters Unitarian Universalist Fellowship (HUUF) is requesting a conditional use permit (CUP) for a religious institution on parcel 80.06874.00, located southwest of the Mikrantip Rd SW and Jefferson Ave SW intersection within the City of Bemidji. This property is zoned (R-1) Rural Residential.

**BACKGROUND**

HUUF is proposing to construct a new church with the primary use being for regular assembly of persons for religious worship and education. HUUF also plans to house office space for the religious institution for the purpose of peacemaker resources, a small non-profit organization whose mission aligns with the church's mission.

On August 6<sup>th</sup>, 2018, the City of Bemidji adopted Ordinance No. 150, 3<sup>rd</sup> Series, annexing the subject property from Bemidji Township. On October 15, 2018, the City adopted Ordinance No. 153, 3<sup>rd</sup> Series amending Ordinance 150 to include reimbursement from the City to the Township. Based upon review of Ordinance 150 and Ordinance 153, the Chief Administrative Law Judge officially approved the annexation on January 14<sup>th</sup>, 2019.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) was passed by Congress in 2000 that allowed for the protection of religious assemblies from being prohibited in many, if not most zoning categories. The Greater Bemidji Area Zoning Ordinance allows for religious institutions/churches to be located in most zoning districts with the approval of a CUP. A CUP allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a method to minimize any potential impact the use may have.

**PLANNING CONSIDERATIONS**

This property is surrounded by predominantly single-family residential to the north and east, general commercial to the west, and to the direct south is another religious institution. The use of a religious

institution is common in both a residential or commercial districts.

Per Section 502 of the GBAJPB Zoning & Subdivision Ordinance, existing lots of record in the R-1 zoning districts greater than one (1) acre in size and with a width of at least one hundred (100) feet may be developed on without a variance, provided all other standards of the Ordinance are met.

### **Parking and Traffic**

Section 1009 of the JPB Zoning & Subdivision Ordinance requires that religious institutions have one (1) space for each four (4) seats of design capacity. Based on the maximum design capacity, this religious institution is required to have a total of thirty-eight (38) parking spaces. The applicant is requesting to not install curb and gutter around the perimeter of the passenger parking area and in lieu will install a row of trees or a landscaping hedge to prevent vehicles parking in the grass or the expansion of parking without approval.

No curb cut access shall exceed twenty-four (24) feet in width, except upon approval from the Road Authority and the Planning Administrator. A driveway permit will need to be obtained from Bemidji Township for the proposed access off Mikrantip Rd, as this road is under the jurisdiction of Bemidji Township.

### **Landscaping**

Per Section 1006 of the JPB Zoning & Subdivision Ordinance, the site requires one (1) tree per fifty (50) lineal feet of street frontage along with one (1) tree for every 1,100 square foot of minimum required pervious site surface. A total of twenty-four (24) trees are required throughout the property within the front yard setback along the street frontage, including nine (9) trees along Jefferson Ave SW, twelve (12) trees along Mikrantip Rd SW, and three (3) trees along Mag Seven Ct SW. A tree removal permit will need to be obtained for the removal of any high-quality significant trees on site. A final landscaping plan shall be submitted for JPB staff approval prior to obtaining a building permit.

### **Lighting**

All exterior lighting proposed for this development must meet Section 1008 of the JPB Zoning & Subdivision Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval prior to building permit being issued.

### **Signage**

All signage must comply with Section 710 of JPB Zoning & Subdivision Ordinance. Permitted non-residential uses, such as religious institutions are allowed one freestanding sign per street frontage not exceeding thirty-two (32) square feet in sign area. For parcels larger than two and one-half (2.5) acres in size or larger may increase their freestanding sign to forty-eight (48) square feet; however, the setback from right-of-way increases from fifteen (15) feet to thirty (30) feet. A sign permit shall be obtained prior to any signage being installed on-site.

### **Trash Handling**

At this time, the applicant has indicated that they will only have a trash bin on site and not a dumpster. Any dumpsters brought on-site shall be fully enclosed complying with Section 1002 of the JPB Zoning & Subdivision Ordinance.

### **Development Team: (Public Works/Engineering, GIS, Building & Fire Department)**

The Building Department, nor the Fire Department had any concerns regarding the site plans for the proposed expansion. A building permit will need to be issued prior to construction. An E-911 address will need to be obtained from the GIS Department. Utility as-builts will also need to be submitted to the GIS Department. The following is a list of deliverables the Engineering Department will require prior to obtaining building permit approval:

- Grading & Drainage Plan – To include stormwater calculations meeting requirements stated in City of Bemidji Surface Water Management Plan and Stormwater Design Guide. Owner shall not exceed existing conditions for stormwater heading toward public right of way. Project shall also meet ADA regulations.
- Erosion Control & SWPPP – A plan for sediment and erosion control will need to be submitted and approved.

The engineering department also stated a concrete border will be required around the passenger parking area, at a minimum, anywhere water is proposed to sheet flow off the proposed parking lot to prevent erosion and damage to the pavement edge.

### **Neighboring Property Owner input**

At the time of writing the report, no neighborhood input was obtained.

### **Comprehensive Plan References**

The location of a religious institution in a residential area is compatible in the R-1 Rural Residential Zoning District. Peak traffic generation typically occurs only on one or two days per week, usually on Saturdays and Sundays. The proposed use of a church in the district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### **RECOMMENDATIONS**

Staff recommends approval of a conditional use permit (CUP) for a religious institution on parcel 80.06874.00, located southwest of the Mikrantip Rd SW and Jefferson Ave SW intersection within the City of Bemidji with the following conditions:

1. This property shall not lease out office space for commercial use without rezoning the property to commercial.
2. Final engineering, grading, and utility plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
3. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
4. A tree removal permits will need to be approved prior to removing any trees on site.
5. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
6. All signage needs to meet Section 710 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
7. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
8. A row of trees or dense landscaping hedges shall be installed along the perimeter of the passenger parking lot in lieu of curb and gutter.
9. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
10. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.

**Public Hearing opened at 6:34 p.m.**

Brent McWithey, Paul Kivi, and Candy Roberts-Salter came forward to represent H.U.U.F. Commissioner Smith asked the current location of the church, which he learned meets at the Food Shelf (1260 Exchange Ave. SE). Jim Parish had several questions, including how long the church has been in the area, is the neighboring Church of Christ to the south annexed in the city, how large is the membership, location prior to the Food Shelf, and the expected signage and lighting for the new church. Representatives explained that H.U.U.F. has been in the area for more than 30 years, the Church of Christ parcel was annexed to the city from Bemidji Township in 2013, the membership is estimated to be about 55, current location has been used for three (3) to four (4) years – prior location was what the Wolfe Center (522 America Ave. is now NW) for five (5) to seven (7) years, and signage and lighting is not yet finalized, but will conform with requirements and permits.

**Public Hearing closed at 6:36 p.m.**

Motion by Heinonen, second by Miller to approve a conditional use permit (CUP) for a religious institution on parcel 80.06874.00, located southwest of the Mikrantip Rd SW and Jefferson Ave SW intersection within the City of Bemidji with the following conditions:

1. This property shall not lease out office space for commercial use without rezoning the property to commercial.
2. Final engineering, grading, and utility plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
3. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department.
4. A tree removal permits will need to be approved prior to removing any trees on site.
5. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
6. All signage needs to meet Section 710 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
7. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
8. A row of trees or dense landscaping hedges shall be installed along the perimeter of the passenger parking lot in lieu of curb and gutter.
9. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
10. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.

And with the following findings:

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 religious institution use conforms to the zoning regulations as a permitted CUP in the (R-1) Rural Residential Zoning District. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding residential or commercial areas.



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

No. Increases in traffic or other negative impacts are not anticipated and this use is primarily on the weekends when the other traffic generators are at their lowest rates. The applicant is providing adequate off-street parking on the property.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a religious institution is already located on the adjacent parcel to the south. Any future changes shall be reviewed in accordance with all zoning requirements.

**4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP.

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

Yes. The property has adequate public infrastructure and will be served by city services.

Motion carried unanimously.

**Carlson presented the third case:**

**PLANNING CASE – IUP-19-80.05065.00 – Sanford Health**

Joy Johnson/Cynthia Berget, representing Sanford Health, are requesting approval of an interim use permit (IUP) to add residential crisis and detox services at the property located at 3124 Hannah Avenue NW within the City of Bemidji. This property is zoned in the Office/Medical District (O/M).

**BACKGROUND**

The applicant(s), Joy Johnson/Cynthia Berget representing Sanford Health, are proposing to provide services for residential crisis and detox. The existing use of the property has been vacant and was temporarily used for behavioral health appointments. The property's previous use was commercial business. The applicant states that the need in the community for crisis stabilization is staggering and that success rates are much better when help is closer to home. The applicant also states that the majority of referrals will be done via phone and there may be an increase in law enforcement presence as well.

This requested land use falls under Counseling per Section 302 of the GBAJPB Ordinance, and is allowed with an approved conditional use permit (CUP); however, since the use will be located in a leased space, the interim use permit (IUP) is required. An IUP allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a way to minimize any potential impact the use may have.

**Primary Hours of Operation:** 24 hours a day, seven days a week, 365 days a year.

**Number of Employees:** 30 - 40 employees

**Number of Clients:** 14

**Drug /Alcohol Treatment:** Yes

**PLANNING CONSIDERATIONS**

Per the GBAJPB Zoning Ordinance: clinics, when leased, that provide counseling service for drug & alcohol problems require the issuance of an Interim Use Permit by the JPB to be located in the

Office/Medical (O/M) zoning district. A community cannot use its zoning authority to discriminate against classes of people that it does not want to accept, such as substance dependent persons, individuals with behavioral disorders, etc. Therefore, the use is allowed following a public hearing with conditions to ensure the safety of both the clients of the facility as well as the public.

This property is surrounded by predominantly low density business to the west, open space and the Sanford hospital complex to the north, and high density residential to the east and south. This use is common in the medical/office district.

### **Parking and Traffic**

Section 1009 of the JPB Ordinance requires that parking be based on one (1) space per three (3) bedrooms, plus one (1) space for each employee on max shift. There shall be a minimum of four (4) spaces. This property is required to have a total of 45 parking spaces and currently has approximately 55 parking spaces.

### **Landscaping and Pervious Surface**

Per Section 1006 of the JPB Zoning & Subdivision Ordinance, the site requires one (1) tree per fifty (50) lineal feet of street frontage along with one (1) tree for every 1,100 square foot of minimum required pervious site surface. A total of eighteen (18) trees are required throughout the property, including five (5) trees within the front yard setback along the street frontage of Hannah Avenue NW. This property currently has twenty-one (21) trees throughout the lot.

### **Signage**

The applicant states that they will be working with their marketing department on signage and will obtain the necessary permit(s). Any new signage will require a sign permit through the GBAJPB. All signage must comply with Section 714 of JPB Zoning and Subdivision Ordinance.

### **Trash Handling**

The applicant states that there is an on-site dumpster with Waste Management located on the property. Any dumpster on the property shall be fully enclosed with a gate complying with Section 1002 of the JPB Zoning and Subdivision Ordinance.

### **Development Team: (Public Works/Engineering, Building & Fire Department)**

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

### **Public Works/Engineering:**

The city engineer stated that public works will need a ten (10) foot utility easement along the west side of the parcel for their existing sanitary sewer main.

### **Neighboring Property Owner Input**

At the time of writing the report, no neighborhood input was obtained.

### **Comprehensive Plan References**

The proposed use to provide counseling services in the (O/M) district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### **RECOMMENDATIONS**

Staff recommends approval of an Interim Use Permit to allow Sanford Health to add residential crisis and detox for the property located at 3124 Hannah Avenue NW within the City of Bemidji in the Office/Medical District (O/M), with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. Any new or additional signage must meet Section 714 of the JPB Ordinances and a permit must be granted before any new or additional signage is placed on site.
3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the JPB Ordinance.
4. If a change in type of counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
5. Applicant shall create a ten foot (10) easement running along the west front yard lot line for all future maintenance of the existing sanitary sewer line.

**Public Hearing opened at 6:51 p.m.**

Paul Nistler, Sanford's Behavioral Health Director, introduced Sarah Winkle from Sanford Health, County Administrator Kay Mack, and Beltrami County Sheriff Ernie Beitel, whom all have been involved in support of this project. Nistler stated there are two (2) entrances, with the front door for crisis counseling and the back door for detox counseling. The detox portion is a stand-alone center that contains four (4) beds that can be used for up to 72 hours per client. It is hoped that this facility will relieve some of the pressure at the downtown centers as well as create another tool to help law enforcement and the community. Beltrami County currently does not have a detox center so clients are transported elsewhere – usually 35-50 people per month to communities such as Thief River Falls. This local facility will create an opportunity for people to seek local help/treatment, and make their counseling more stable and safe. It will not replace other psychiatric units, but will ease the current load across the state. The remaining ten (10) beds in the facility are for acute crisis use, up to 72 hours each. After 72 hours, permission to remain must be granted by the county and the client. Five (5) of these beds are designated for use up to 90 days for IRT (Intensive Residential Treatment.) A treatment team is comprised of a Registered Nurse, a Physician, nursing staff and mental health providers. Commissioner Lemmer asked if the facility accepts voluntary walk-in clients or referrals. Nistler explained that clients are screened by mental health professionals, then receive medical clearance before being allowed into detox. Lemmer also asked if this is a closed facility. Nistler stated that doors are not locked, and family can visit, clients are able to enter and exit at will. Commissioner Smith asked if bedrooms and a kitchen are already available. Nistler stated that construction is taking place and the facility is scheduled to open July 1<sup>st</sup>. Commissioner Smith questioned if treatment is mandated by the courts, which Nistler explained is not typical. Staffing is expected to be six (6) or seven (7) people per day, including a Registered Nurse who is on site 24/7. Commissioner Miller asked if bars will be on windows. Nistler stated that there will be screening, but not bars. Miller also asked if IRT clients are able to leave at their own will. Nistler described the program goal is for the client to get back into the community, and work/shop/etc., but live in the facility during treatment. Commissioner Smith questioned the number of parking spaces then asked if clients will have cars, to which Nistler stated they would not. Staff has deemed that parking is not an issue. Sheriff Beitel explained that funding has become available through county appropriations to provide this service to the community, and clients want to be at the facility in order to find their health again. Lemmer asked if law enforcement supports this facility. Beitel stated that they do support it, and more law enforcement presence will be noticed here. Miller questioned funding as two-part, involving both the State of Minnesota and Sanford Health. Kay Mack explained that funding began as a state appropriation by the legislature, and the property was donated for this purpose. Mack stated that Beltrami County is fully in support of this project, then addressed earlier concerns to staff by

Commissioner Faver, explaining that the county is amenable to granting the easement to the lease. Mack also commented that the applicant provided an opportunity to neighboring Northview Manor residents to share questions and concerns regarding the project. Smith asked the proposed demographics of clientele. Nistler explained that the minimum age must be 18 and that both males and females will be treated on site. Brian Freeberg, co-owner of neighboring B & B Cottages, expressed concerns about lack of fencing on the east and south sides, and asked if requiring fencing could become a condition. Staff stated that it could be added if the JPC chooses.

**Public Hearing closed at 7:10 p.m.**

Motion by Faver, second by Heinonen to approve an Interim Use Permit to allow Sanford Health to add residential crisis and detox for the property located at 3124 Hannah Avenue NW within the City of Bemidji in the Office/Medical District (O/M), with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. Any new or additional signage must meet Section 714 of the JPB Ordinances and a permit must be granted before any new or additional signage is placed on site.
3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the JPB Ordinance.
4. If a change in type of counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
5. Applicant shall create a ten foot (10) easement running along the west front yard lot line for all future maintenance of the existing sanitary sewer line.

And with the following findings:

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 proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. A counseling service for residential crisis and detox is compatible with the current GBAJPB land use regulations.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**  
No. Increases in traffic or other negative impacts are not anticipated. The subject parcel will use its current parking lot for the counseling services.
3. **Whether the proposed use adversely affects property in the surrounding area.**  
No. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. The subject parcel is appropriately zoned for the proposed use with approval of an IUP.
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**  
Yes. The proposed land use is consistent with the goals and policies of the JPB Land Use Plan.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**  
Yes. The property has adequate public infrastructure and is served by city services.

Motion carried unanimously.  
**Mai presented the fourth case:**

**PLANNING CASE – Plat-19– Second Addition to Industrial Park**

Bemidji Development Corporation, a Minnesota Corporation is requesting a replat of a portion of the Second Addition to Bemidji Industrial Park Plat to better accommodate future sales. The replat will be of Block 4, Block 5, Block 6, Lots 5-12 of Block 7, and Outlot A. This plat is located in the City of Bemidji within the (I-1) Light Industrial Zoning District.

**BACKGROUND**

The applicant, Bemidji Development Corporation is seeking to replat a portion of the Bemidji Industrial Park to better accommodate future lot sales. The existing area that will be replatted consists of seventeen (17) lots of typically one (1) to one-and-four-tenths (1.4) acres in size. Potential developers of these lots have often stated that larger size parcels are needed for future projects to occur within the Industrial Park. The applicant is proposing to replat this section of the yet undeveloped part of the Industrial Park into ten (10) lots rather than seventeen (17), and in the process, eliminate approximately 1,000 feet of future street construction, utilities and maintenance. This will approximately save \$300,000 in future construction cost for utility and street materials. All proposed revisions of the replat are configured on the attached document "Third Addition to Industrial Park."

The Second Addition to Industrial Park Plat was originally subdivided and approved on April 6<sup>th</sup>, 2005. Bemidji Development Corporation subdivided the 155.7 acre parcel south of County Road #404 (Carr Lake Road SE) into fifty-eight (58) industrial lots and two outlots. The two outlots are 5.45 acres and 1.98 acres in size. Through this platting process, seven (7) new city streets either have been created or will to be created with the extension of utilities in phases as the parcels were sold.

**PLANNING CONSIDERATIONS**

All of the proposed replatted lots are intended to meet the minimum lot size requirements of the (I-1) Light Industrial Zoning District. After having a decrease from seventeen (17) lots to ten (10) lots, several of the lots increased greatly in size. Lots range from 1.68 acres to 3.70 acres in size. Outlot A is projected to remain approximately the same size at 5.45 acres.

**Traffic**

Through the replatting process, Corrigan Avenue, which is to connect 30 Street SE and Gram Avenue SE, will now be altered so Corrigan Avenue connects to Herrington Avenue SE from both the west and the east with the intersection being separated by roughly 207 feet. Kittleson Avenue, which was to run north and south connecting Corrigan Avenue and 30<sup>th</sup> Street SE will be eliminated as well through the replatting process. With the relocating or removal of these platted roads, approximately 1,000 feet of future street construction and maintenance will be eliminated, saving approximately \$300,000 in future construction cost for street and utility work and material.

**City of Bemidji**

On February 4, 2019, the City Council agreed to participate with the Bemidji Development Corporation in the replatting process for reason that under the original Plat, the Stormwater Pond platted as "Outlot A", was "donated and dedicated to the public for public use forever", i.e., meaning that the City has a property interest in the area or portion to be replatted. As such, platting rules require that every individual or entity with a property interest join as an "owner" in the application and replatting procedure.

**Development Team: (Public Works/Engineering, GIS, Building & Fire Department)**

The Development Team had no comments or concerns regarding this replatting request for the Industrial Park.

**Neighboring Property Owner input**

At the time of writing the report, no neighborhood input was obtained.

**Comprehensive Plan References**

This replat request meets the goals of the Greater Bemidji Area Land Use and Transportation Plans, as well as the GBAJPB Zoning & Subdivision Ordinance.

**RECOMMENDATIONS**

Staff recommends approval of a replat of a portion of the Second Addition to Bemidji Industrial Park Plat to better accommodate future sales. The replat will be of Block 4, Block 5, Block 6, Lots 5-12 of Block 7 and Outlot A. This plat is located in the City of Bemidji within the (I-1) Light Industrial Zoning District with the following conditions:

1. The approved final plat known as "Third Addition to Industrial Park" shall be submitted to the JPB.
2. A tree removal permit shall be obtained prior to any trees being removed from the area. Removal of more than 60% of high quality significant trees shall require a conditional use permit.
3. All streets, utilities, and stormwater management ponds shall be constructed to City specifications, as required by the City Engineer. They may continue to be built in phases as the parcels are sold and developed.

**Public Hearing opened at 7:24 p.m.**

Brian Freeberg spoke on behalf of the Bemidji Development Corporation, stating that this area is part of a phase so chances are that all roads will be developed at one time. Commissioner Lemmer questioned deletion of Kittleson Avenue, which staff confirmed.

**Public Hearing closed at 7:26 p.m.**

Motion by Heinonen, second by Lemmer to approve a replat of a portion of the Second Addition to Bemidji Industrial Park Plat to better accommodate future sales. The replat will be of Block 4, Block 5, Block 6, Lots 5-12 of Block 7 and Outlot A. This plat is located in the City of Bemidji within the (I-1) Light Industrial Zoning District with the following conditions:

1. The approved final plat known as "Third Addition to Industrial Park" shall be submitted to the JPB.
2. A tree removal permit shall be obtained prior to any trees being removed from the area. Removal of more than 60% of high quality significant trees shall require a conditional use permit.
3. All streets, utilities, and stormwater management ponds shall be constructed to City specifications, as required by the City Engineer. They may continue to be built in phases as the parcels are sold and developed.

And with the following findings:

1. The development is permitted in the (I-1) Light Industrial Zoning District.
2. The proposed replatted lots meet the minimum lot requirements of the (I-1) Light Industrial Zoning District.
3. A decrease of seven (7) industrial lots will occur, going from seventeen (17) undeveloped lots down to ten (10) undeveloped lots.
4. No adverse impacts to traffic are anticipated in this immediate vicinity.
5. Loss of significant high quality trees will be mitigated.
6. The replat is in conformity with the approved JPB Land Use and Transportation Plans.

Motion carried unanimously.

**Mai presented the fifth case:**

**Adoption of the 2040 GBAJPB Comprehensive Plan**

A summary of the project was discussed. Commissioner Smith questioned a review period, which staff projects will be an update to this plan in five (5) years.

**Public Hearing opened at 7:32 p.m.**

**Public Hearing closed at 7:32 p.m.**

Motion by Miller, second by Lemmer to recommend to the JPB the adoption of the 2040 Greater Bemidji Area Joint Planning Board Comprehensive Plan.

Motion carried unanimously.

**OTHER BUSINESS:**  
**TEMPORARY STORAGE**

Staff presented concerns over the recent increase of temporary storage units, including the lost tax base when a parcel occupant uses this structure in lieu of constructing an accessory building. The existing ordinance Section 1011 allows temporary storage use during the time of a permitted construction project, but is limited to 15 consecutive days for residential use and 90 consecutive days for commercial use. After 90 days, commercial use requires an Interim Use Permit. Staff proposed a revised fee schedule along with a Land Use Permit to discourage further temporary storage use.

Commissioners discussed enforcement, time limits, separating residential and commercial fees. The JPC agreed by consensus that staff maintain the ordinance except for Section 1011, G, 4. Staff will bring this suggested amendment along with the proposed fee schedule to the JPB for their review.

**DIRECTOR REPORT**

Mai summarized last month's planning case decision, development project progress, and the projected planning case for March/April.

**UPCOMING MEETING DATES:**

March 13, 2019	6:00 pm	JPB Regular Meeting
March 28, 2019	6:00 pm	JPC Regular Meeting
April 10, 2019	6:00 pm	JPB Regular Meeting
April 25, 2019	6:00 pm	JPC Regular Meeting

**ADJOURNMENT:**

There being no further business, motion by Lemmer, second by Heinonen, to adjourn the Regular Planning Commission meeting at 7:56 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball  
Planning Administrative Assistant

Approved and attested by:   
Joint Planning Commission Representative



