

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

**Thursday, February 25, 2016
6:00 P.M.**

**Council Chambers, City Hall
317 4th ST NW
Bemidji, MN 56601**

AGENDA

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| ➤ Call to Order/Roll Call | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, January 28, 2016 Regular Meeting | |

NEW BUSINESS

Public Hearings

- | | |
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| 1. <u>City of Bemidji</u> – Z- 16-80.06159.00 – Wes’ Plumbing & Heating Inc. | D |
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OTHER BUSINESS

- | | |
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| 1. Visitors | Chair |
| 2. Administrator Report | M |
| 3. Upcoming Meetings | Chair |
| • March 9, 2016 6:00 pm JPB Regular Meeting | |
| • March 24, 2016 6:00 pm JPC Regular Meeting | |
| • April 13, 2016 6:00 pm JPB Regular Meeting | |
| • April 28, 2016 6:00 pm JPC Regular Meeting | |
| 4. Code Work Session (Public Hearing) | M |
| 5. Adjourn | Chair |

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

February 25, 2016
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair, Jess Frenzel 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, Kramka, Steffen, David, Boushee, Frenzel, McGuire, Lemmer, Smith

MEMBERS ABSENT: None

STAFF PRESENT: Mayana Rice, Dustin Severs, Terri Ball

OTHERS:

APPROVAL OF AGENDA:

Motion by Lemmer, second by McGuire, to approve the amended Agenda as presented.
Motion carried unanimously

APPROVAL OF MINUTES:

Motion by Lemmer, second by McGuire, to approve minutes from the January 28, 2016 Greater Bemidji Area Regular Joint Planning Commission as written. Motion carried unanimously

NEW BUSINESS:

Public Hearing:

Severs presented the first case as follows:

PLANNING CASE – Z-16-80.06159.00 – Wes' Plumbing & Heating Inc.

Applicant is requesting a rezone of their parcel to B1 Low Density Commercial in order to bring their property's zoning classification into compliance with the GBAJPB Zoning Ordinance. The parcel is located at 3403 Bemidji Ave N in the R3 Suburban Residential District of the City of Bemidji

Planning Commission Meeting, February 25, 2016

BACKGROUND

Applicant applied for a lot combination. The combination request was filed jointly with a lot division request by the adjoining property owner to the south, in order for Wes' Plumbing to purchase a 1.30 AC plot of land. Despite Wes' Plumbing clearly being a commercial use of the land, its current zoning classification is R3 Suburban Residential. This issue was compounded with the fact that the plot of land being requested to be combined to Wes' Plumbing's parcel is zoned B1 Low Density Commercial.

Staff explained to the applicant that the requested combination/division could not be processed unless it was made in conjunction with a request to rezone the property to B1 Commercial, thereby bringing the property's use into compliance with the ordinance and avoid erroneously creating a parcel with a dual zoning classification.

Planning Considerations

Local governments may exercise their legislative discretion to rezone property in furtherance of the public, health, safety and welfare. LGU's should, however, avoid a type of rezoning known as "spot zoning."

A spot zone occurs when a particular parcel of land is granted a classification concerning its use that differs from the classification of other land in the immediate area. Spot zoning is invalid because it amounts to arbitrary, capricious, and unreasonable treatment of a limited area within a particular district and is, therefore, a deviation from the comprehensive plan.

To avoid creating a spot zone, we typically only consider a rezoning when the proposed zoning district physically adjoins parcels of that same classification. The subject parcel is physically adjoining a B1 parcel, thereby, not constituting a spot zoning.

Sanitation/water

The parcel is on private septic, and is served by municipal water services. Whenever a property is requesting approval of a zoning action, it is a great time to review any and all private infrastructure on the property. Staff is requesting that the owner provide a septic compliance inspection for the record, as the office currently does not have any information on this property.

Neighboring Property Owner Input

At the time of this writing, staff have received no complaints/concerns from neighbors, the general public, or the respective LGUs.

RECOMMENDATION

Staff recommends approval of the proposed rezoning.

Public Hearing opened at 6:09 p.m.

Applicant Jay Seitz answered Commissioner Lemmer's question about surrounding parcels, describing them as either multifamily rentals or private residential homes. Commissioner Smith asked how long Wes' Plumbing has been in this Residential zone. Applicant said the business began in 1976, and prior to that it was a supply house. Staff inquired about the septic system. Applicant stated it to be non-compliant. Commissioner Frenzel questioned if newly acquired property would remain as parking space or would change use. Seitz answered it will remain as parking space. Commissioner Smith asked what part of the septic system is non-compliant, and found it to be the drainfield. Seitz also discussed replacing the 1500 gallon tank.

Public Hearing closed at 6:14 p.m.

Motion by Steffen, second by David to approve rezone of parcel 80.06159.00 from R3 Suburban Residential to B1 Low Density Commercial with findings:

1. Whether the change in classification would be consistent with the intent and purpose of this Ordinance;

Per Section 201 of the Zoning Ordinance, the intent and purpose of the B1 Low Density Commercial District is to "Provide areas for the placement of commercial establishments, including service, retail, and wholesale providers, and uses complimentary to such uses, in areas where central services are not available." The subject parcel is served by municipal water, but is not served by municipal sewer. The use of the property as a plumbing and heating business is an allowed use in the B1 zoning district.

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;

Yes. Surrounding area is largely zoned Commercial. Subject property has been, and is currently used commercially as the location for Wes' Plumbing & Heating. The parcel is physically abutting a B1 zoned parcel to the south.

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;

Parcel is served by private septic and municipal water.

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

No. However, the rezone will bring the land into compliance with the zoning ordinance, as the property is currently used commercially despite its residential zoning.

5. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

Subject parcel is used commercially as the location of Wes' Plumbing & Heating. Rezoning of the parcel will bring the property into compliance with the zoning ordinance.

Motion carried unanimously.

OTHER BUSINESS

ADMINISTRATOR REPORT:

- Rice summarized her newly re-formatted monthly report.
- Estimated up to three new planning cases for the coming month.
- Awarded the NWMF grant for Comprehensive Plan writing.
- Announced staff change. Dustin Severs has accepted a job in Oregon and will be leaving next week.
- Recently approached by BSU GIS/Geography Department to create an internship.

UPCOMING MEETING DATES:

March 9, 2016	6:00 pm	JPB Regular Meeting
March 24, 2016	6:00 pm	JPC Regular Meeting
April 13, 2016	6:00 pm	JPB Regular Meeting
April 28, 2016	6:00 pm	JPC Regular Meeting

CODE WORK SESSION:

Snacks provided. Meeting began at 6:30. Rice summarized the 2016 Proposed Amendment changes to the Ordinance with discussion ensuing after each section.

NEW BUSINESS:

- Section 401.
 - I. B-3 General Commercial
- Section 808.
 - 1. Sewage Treatment System Inspection.
- Section 1207.
 - 1. Planning Case Process.

Rice indicated that the Ordinance amendments would be placed on the Joint Planning Board Agenda to take place on March 9, 2016.

ADJOURNMENT:

There being no further business, motion by Lemmer, second by Steffen to adjourn the Regular Planning Commission meeting at 8:13 p.m.

Motion carried unanimously.

Respectfully submitted.

Terri Ball
Planning Assistant

Approved and attested by:



Joint Planning Commission Representative