

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

**Thursday, July 28, 2022  
6:00 P.M.**

**Bemidji City Hall 317 4<sup>th</sup> Street NW, Bemidji, MN 56601  
/Cisco Webex Video Conferencing  
(For log in information <https://www.jpbgba.org/planning-actions>)**

**AGENDA**

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
  - **Thursday, June 23, 2022 Regular Meeting**

**NEW BUSINESS**

- 1. Visitors** **Chair**
- 2. Discussion on Proposed Section 20 Rezone** **NP**

**Public Hearings**

- 1. City of Bemidji – CUP-22-80.06805.00 – Royal Bay Townhomes (60-Day Extension) NP**
- 2. City of Bemidji – IUP-22-80.04230.00 & 80.04229.00 – South Car Savings NP**
- 3. City of Bemidji – ~~V-22-80.06783.00 & 80.06782.00 – Gary Sand (representing Scott Thorson) –~~ **WITHDRAWN** **NP****

**OTHER BUSINESS**

- 1. Director’s Report and Site Analyst & Enforcement Report** **JC**
- 2. Upcoming Meetings** **Chair**
  - August 10, 2022 6:00 pm JPB Regular Meeting
  - August 25, 2022 6:00 pm JPC Regular Meeting
  - September 14, 2022 6:00 pm JPB Regular Meeting
  - September 29, 2022 6:00 pm JPC Regular Meeting
  - **October 5, 2022 12:00 pm-3:00 pm Joint LGU Fall Tour**
- 3. Adjourn** **Chair**

## MINUTES

### GREATER BEMIDJI AREA REGULAR PLANNING COMMISSION MEETING

July 28, 2022  
6:00 p.m.

Cisco WebEx / Council Chambers  
317 4<sup>th</sup> 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, Faver, Steffen, David, Granlund, Gould.

**MEMBERS ABSENT:** Heinonen, Lemmer, Chambers.

**STAFF PRESENT:** Planning Director Jamin Carlson, Assistant Planner Nickolaus Phillips, Planning Administrative Assistant Ainslee Krause.

**OTHERS:** CT Marhula, Kelly Moe, Jackie Moe, Greg Dokken, Julie Dokken, Jay Johnston, Mary Johnston, Sylvia Wildgen, Darwin Wiebolt, Dennis Brovold, Nancy Brovold, Karen Gesell, Gary Gesell, Kelly Moe, Jackie Moe, Dave Beaupre, Linda Beaupre, Mary Santo, Dave Santo, Richard Kosel.

#### **APPROVAL OF AGENDA:**

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

#### **APPROVAL OF MINUTES:**

Motion by Steffen, second by Gould, to approve the minutes from the June 23, 2022, Greater Bemidji Area Regular Joint Planning Commission as presented. Motion carried unanimously.

#### **NEW BUSINESS:**

**VISITORS WITH BUSINESS NOT ON THE AGENDA:** No visitors.

#### **Discussion on Section 20 Rezone:**

Phillips addressed the Commission and introduced the proposed Section 20 Rezone.

Board members had the following comments:

- Granlund inquired about the process of the rezone. Phillips addressed that the JPC can comment and then Staff will send out mailers and a public hearing would be scheduled for the next Joint Planning Commission meeting.
- Members discussed.
- Carlson addressed that this proposed rezone was at the request of the Joint Planning Board.

#### **Public Hearings:**

**Phillips presented the first case:**

#### **PLANNING CASE–CUP-22-80.06805.00–ROYAL BAY OWNER’S ASSOCIATION (60-DAY EXTENSION)**

Phillips addressed that this is the second public hearing for this planning case as the Joint

Planning Board enacted the 60-day extension at their recent meeting. Rich Kosel of Kosel Services Landscaping is requesting a conditional use permit on behalf of the Royal Bay Owner's Association to rehabilitate and install riprap along the association shared shoreline of lake Bemidji, currently in the R-3 Suburban Residential Zoning District and shoreland overlay. The subject property is a common interest community in the City of Bemidji. Phillips noted that additional comments regarding the case were submitted after the deadline for the planning case report. Phillips addressed the submissions.

### **RECOMMENDATION & FINDINGS**

Staff recommends approval of a conditional use permit in order to rehabilitate and install riprap along the association shared shoreline of lake Bemidji at 4524 Birchmont Dr NE. Approval is recommended with the following conditions and findings of fact:

#### **Conditions:**

1. A final landscaping plan with size, type and location of trees and shrubs to be planted throughout the property shall be submitted for final approval to JPB staff before issuance of the Shore Alteration Permit. Such plan shall indicate the addition of ten (10) trees or shrubs to be planted in an evenly distributed manner to further stabilize the soils and subsoils behind the riprap installation.
2. The Applicant is solely responsible for working with the adjacent Property Owner to obtain access to the site, as may be required to accommodate the construction equipment.
3. A shoreland alteration permit shall be obtained with the proper mitigation installed prior to disturbance of soil or existing riprap.
4. The fifteen-foot wide vegetative buffer proposed shall be marked with signage sufficient to ensure the area is not routinely mowed or otherwise rendered ineffective for its intended purpose. The owner's association may trim grass or forbs in this zone up to three times during each growing season, provided the length of such vegetation is not reduced to less than four (4) inches in length, and any tree/shrubs planted shall not be trimmed to less than three (3) feet in height.
5. 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 mitigate potential negative ecological impacts from the project, while addressing a poorly installed and aging riprap installation. Some of the most deleterious impacts of a typical riprap installation have been addressed within the proposed scope of work.

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

No. There are no proposed changes to traffic conditions or parking with this project.

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

No. The Applicant has proposed a restoration strategy that will improve the lakeshore at this location above current conditions.

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

Yes. The proposed work takes into account incorporating best-management practice that provide some improvement to the aquatic environment. In addition, the installation will address worsening condition of the lakeshore, providing continued recreational access to the lake for residents of the association, present and future.

**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, the applicant has proposed a solution that utilizes the length of shoreline as a remediation pathway for nutrient loading.

**Commission members had the following comments:**

- Granlund and Phillips discussed the timeline of the proposed project.

**Public Hearing opened at 6:19 p.m.**

- Richard Kosel, representing Royal Bay Townhomes, addressed the Commission. Kosel and members discussed the proposal.
- CT Marhula, 4524 Birchmont Dr NE Unit 10, addressed the Commission, and expressed that he was not in favor of the proposal.
- Sylvia Wildgen, president of the Royal Bay Landowner's Association, addressed the Commission and reiterated comments from members of the association. Wildgen expressed support for the proposal.
- Dave Santo, 4524 Birchmont Dr NE Unit 11, addressed the Commission. Santo noted that he was in favor of the proposal.
- Julie Dokken, 4524 Birchmont Dr NE Unit 10, addressed the Commission. Dokken addressed that she was in favor of the proposal.
- Jay Johnston, 4524 Birchmont Dr NE Unit 5, addressed the Commission and noted his support of the proposal.
- Dan Kramer, 4524 Birchmont Dr NE Unit 3, addressed the Commission and noted that he was not in favor of the proposal.
- Greg Dokken, 4524 Birchmont Dr NE Unit 7, addressed the Commission and noted that he was in favor of the proposal.

**Public Hearing closed at 7:15 p.m.**

**Commission members had additional comments:**

- Members discussed the proposal.

Motion by Granlund, second by Steffen, to approve a conditional use permit in order rehabilitate and install riprap along the association shared shoreline of Lake Bemidji at 4524 Birchmont Dr NE, and subject to the above stated conditions and findings of fact.

**Commission members had additional comments:**

- Members discussed the proposal.

Ayes: Berg, Steffen, Granlund.

Nays: Gould, David, Faver.

Motion failed.

Chair Berg noted that the planning case would go on without a recommendation from the Commission to the next Joint Planning Board meeting at 6:00 PM on Wednesday, August 10, 2022.

**Phillips presented the second case:**

**PLANNING CASE – IUP-22-80.04230.00 & 80.04229.00 – SOUTH CAR SAVINGS**

Michael Ettesvold, representing South Car Savings, is requesting an Interim Use Permit to operate an automobile sales lot on a property currently in the B-2 General Commercial District. The subject property is located on a vacant lot north of 829 Washington Avenue South in the City of Bemidji.

**RECOMMENDATION & FINDINGS**

JPB Staff recommends approval of an Interim Use Permit (IUP) to operate an automobile sales lot on a property located on a vacant lot north of 829 Washington Avenue South in the City of Bemidji with the following conditions and findings of fact.

**Conditions:**

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. Any new dumpsters brought on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.
3. A sign permit shall be obtained prior to the installation of any new signage, which must comply with Section 712 of the Ordinance. All signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. The defined maneuvering areas 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. The location of required tree plantings shall be entirely within the recorded exterior boundaries of the property, except as may be permissible by the road authority to be placed bordering or otherwise encroaching the road right-of-way. In no case shall the planting requirement be waived for failure to obtain road authority permissions.
6. All proper permits shall be obtained prior to construction or site renovation, including a building, demolition, and mechanical permits from the City of Bemidji.
7. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil, installation of additional impervious surface, or removal of existing impervious areas.
8. All areas of the lot that will be utilized for vehicle parking shall be improved with a material approved by the City Engineer and in conformity with GBAJPB Ordinance requirements, and all parking spaces shall be bordered to prevent vehicle encroachment on required greenspace areas.
9. The entrance servicing parcel 80.04229.00 shall be widened to accommodate two-way traffic, per the requirements in §1009. The applicant shall provide proof of road authority approval for such work.
10. Any future changes to site layout that prompt a change in traffic flow shall require review and possible amendment of the IUP by the Joint Planning Board, as determined by the Administrator.

11. If additional adjacent lots shall be utilized for the Auto Sales Use, such as the south adjoining lot and office building (parcel 80.04230.00), a lot combination shall be required to provide coverage of said operations under this IUP.
12. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
13. The IUP shall expire and become void if the automobile sales lot 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 automobile sales lot are mostly complete. There shall be no extension of this initial deadline.

### **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 limit traffic and parking on site, rather than to extend directly out into the right-of-way or onto greenspaces to be maintained. Additional parking, as necessary, will be determined at the time of lot redevelopment. 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 a condition for permitting approval.

**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 be responsible for any approvals necessary from the road authority should entrance designs be changed.

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

No. The Applicant will design the site to accommodate expected traffic for this operation. The nature of the use is in line with existing commercial operations along this stretch of Washington, and will not negatively encroach on adjacent properties.

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

Yes. The proposed use of a previously developed lot 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 an interim use permit. The Applicant is planning to alter the site to direct customer and inventory parking away from the right-of-way to ensure that the property will properly function, eliminating any possible congestion or safety impacts that may occur.

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

Yes. The subject property has access to City water and sewer services. While access to existing greenspace for stormwater mitigation is possible, the applicant is considering advanced or alternative paving materials to accommodate stormwater requirements without sacrificing inventory space. Advanced stormwater technology is available that can treat the required volume under parking or impervious areas, which would add additional costs to the overall project but allow the site to meet the City's stormwater design standards.

### **Commission members had the following comments:**

- Members and Staff discussed.

**Public Hearing opened at 7:40 p.m.**

- No comments.

**Public Hearing closed at 7:40 p.m.**

**Commission members had additional comments:**

- Members and Staff discussed.

Motion by Granlund, second by Steffen, to approve an Interim Use Permit (IUP) to operate an automobile sales lot on a property located on a vacant lot north of 829 Washington Avenue South, subject to the above stated conditions and findings of fact, with the addition of a condition to provide adequate screening between the commercial and neighboring residential uses. The additional condition is as follows:

9. *Screening shall be provided between all parking areas on the lot that adjoin any and all residential properties. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision but shall not extend to within fifteen (15) feet of any street right-of-way.*

Ayes: Berg, Faver, Steffen, David, Granlund, Gould.

Nays: None.

Motion carried unanimously.

**Phillips noted that the third planning case, a variance for Scott Thorson at 4260 Thorson Boulevard NE has been withdrawn.**

**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.

Planning Director Carlson addressed the Commission and reiterated the process of a conditional use permit.

**UPCOMING MEETING DATES:**

August 10, 2022	6:00 pm	JPB Regular Meeting
August 25, 2022	6:00 pm	JPC Regular Meeting
September 14, 2022	6:00 pm	JPB Regular Meeting
September 29, 2022	6:00 pm	JPC Regular Meeting
<b>October 5, 2022</b>	<b>12:00-3:00 pm</b>	<b>Joint LGU Fall Tour</b>

**ADJOURNMENT:**

There being no further business, motion by Steffen, second by Faver, to adjourn the Regular Planning Commission meeting at 7:52 p.m. Motion carried.

Respectfully submitted,

Ainslee Krause  
Administrative Assistant

Approved and attested by: \_\_\_\_\_  
Joint Planning Commission Representative

DRAFT