

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

Thursday, August 25, 2022
6:00 P.M.

Bemidji City Hall 317 4th 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, July 28, 2022 Regular Meeting**

NEW BUSINESS

- 1. Visitors** **Chair**

Public Hearings

- 1. City of Bemidji – Z-22-80.00853.00 – Mewinzha Ondaadiziike Wiigaming** **NP**
- 2. City of Bemidji – CUP-22-80.03004.01, 80.03005.01, 80.03004.00, 80.03005.00 – Northern Fire Hospitality, LLC** **NP**
- 3. City of Bemidji – (Amendment) IUP-2-22-80.03646.00, 80.04029.00, 80.04105.00 – Jon Ness/Kingdom Builders Christian School** **JC**
- 4. Ordinance Amendment: Proposed Section 20 Rezone** **NP**

OTHER BUSINESS

- 1. Director’s Report and Site Analyst & Enforcement Report** **JC**
- 2. Upcoming Meetings** **Chair**
 - 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**
 - October 12, 2022 6:00 pm **JPB Regular Meeting**
 - October 27, 2022 6:00 pm **JPC Regular Meeting**
- 3. Adjourn** **Chair**

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

**August 25, 2022
6:00 p.m.**

**Council Chambers / Cisco WebEx
317 4th St NW**

CALL TO ORDER: Vice Chair Clark Chambers 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: Faver, Steffen, David, Heinonen, Granlund, Gould, Lemmer, Chambers.

MEMBERS ABSENT: Berg.

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

OTHERS: Michelle Walton (via WebEx), Dennis Johnson (via WebEx), Connie Jorgenson, Arnie Andree, Darwin Wiebolt, Millicent Simenson, Natalie Nicholson, Shirlee Walker, Nancy Erickson, Jon Ness, Kevin McIntyre, Kelly Moe, Jackie Moe, Robert Bush, Joy McIntyre, Faith McIntyre, Tony Merschman.

APPROVAL OF AGENDA:

Chambers noted a correction to a parcel ID #80.04029.00 on case #3, Kingdom Builders Christian School.

Motion by Heinonen, second by Granlund, to approve the agenda as presented with the correction noted. Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Granlund, second by Steffen, to approve the minutes from the July 28, 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-22-80.00835.00–MEWINZHA ONDAADIZIIKE WIIGAMING

Natalie Nicholson, representing Mewinzha Ondaadiziike Wiigaming, is requesting a zoning text amendment for the Lake Oriented Commercial (LC) District to allow Medical or Dental Clinic uses as permitted (“P”). The subject property benefiting from this change is located at 802 Paul Bunyan Drive South, however the proposed change would apply to all property located in the (LC) District.

RECOMMENDATION & FINDINGS

Staff recommends approval of the request, with modification to also permit such use in the Lake Oriented Development (LD) district, based on the following findings of fact:

Findings of Fact:

1. Whether such change is consistent with the intent and purpose of this Ordinance;

Yes. While the Land Use Matrix in Article III specifically excludes many healthcare uses from these zoning districts, the intent of the lakeshore districts is to preserve the natural environment while providing recreational opportunities and development that incorporates the natural environment. Medical and Dental clinics, and their patients, provide for low impact commercial use while the district in question benefits to healthcare by incorporating more holistic treatment options.

2. The areas which are most likely to be directly affected by such change and in what way they will be affected;

The Lakeshore Oriented Development and Lakeshore Oriented Commercial Districts would be subject to potential development or redevelopment for clinics, which are separated in the Zoning and Subdivision Ordinance from more intensive healthcare uses. As such, the proposed clinic uses resemble many of the existing commercial uses in scope and add benefits to the community in way of providing healthcare opportunities that incorporate the natural and historic setting of these districts.

3. 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. Changes in the healthcare industry and the mixed-use nature of the neighboring district are incentivizing community and place-based care that takes advantage of recreational opportunities and multi-modal transportation.

Commission members had the following comments:

- Faver inquired about the adequacy of the public notice and if the Minnesota Department of Natural Resources had been notified. Phillips clarified that notice was mailed out to the surrounding properties as required by the Ordinance, and noted that notice was not sent to the MNDNR.

Public Hearing opened at 6:10 p.m.

- No comments.

Public Hearing closed at 6:12 p.m.

Motion by Steffen, second by David, to approve the zoning text amendment as proposed for the Lake Oriented Commercial (LC) District and Lake Oriented Development (LD) Districts to allow Medical or Dental Clinic uses as permitted (“P”), subject to the above stated conditions and findings of fact.

Ayes: Chambers, Gould, Granlund, Heinonen, David, Steffen, Faver.

Nays: None.

Abstentions: Lemmer.

Motion carried unanimously.

Phillips presented the second case:

PLANNING CASE – CUP-22-80.03004.01, 80.03005.01, 80.03005.00 & 80.03005.00 – NORTHERN FIRE HOSPITALITY, LLC

Dennis Johnson, representing Northern Fire Hospitality, LLC is requesting approval of a Conditional

Use Permit (CUP) to operate a self-service storage business on their commercial lot located at 1635 Paul Bunyan DR NW, parcels 80.03004.01, 80.03005.01, 80.03004.00, & 80.03005.00.

RECOMMENDATION & FINDINGS

Staff recommends approval based on 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. 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.
3. The defined maneuvering lanes shall be adequately marked with a painted stripe and/or clear signage to provide direction for customer traffic and to lessen congestion or confusion.
4. The Applicant is solely responsible for working with the adjacent Property Owner to the east to determine easement agreements for shared parking and accesses from public rights-of-way, and to obtain any additional agreements or permissions, as may legally be required to accommodate the construction and use of the requested storage facility operation.
5. If any required egress or access agreements shall be decided between this property owner and the property owner to the east, then the subject property owner is responsible for contacting JPB staff to determine if the parking and egress redesign requires CUP review by the JPB Board, modification of existing development agreements, or both. Failure to inform the JPB or JPB staff of this change shall initiate full CUP review by the Board.
6. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
7. All work shall be covered under a development agreement between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
8. In the event that the proposed storage facility is found to create an articulable and legitimate safety hazard, the JPB Zoning Administrator shall provide written (including any electronic communication consisting of text message or email) notice to the owner that any storage activities must be immediately suspended. The notice shall include the articulable safety hazard resulting in the required suspension of the use. The owner shall have thirty (30) days to derive a plan addressing the safety hazard, which may be approved by the JPB Zoning Administrator. Unless extended by the Zoning Administrator, the JPB may hold a hearing after sixty (60) days to formally revoke this CUP.
9. The CUP shall expire and become void if the storage facility 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 the self-storage use 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 direct traffic to stack, maneuver, and park within the property rather than to extend directly out into the right-of-way. This proposed use should have

no additional contribution to traffic safety at this location, as proper site mitigation for maneuvering and traffic control will be in place.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property. The applicant has stated that there is no anticipated increase in traffic above the previous use of the property, and that it is expected that the type of traffic entering or exiting the site should trend from the larger vehicles and trucks of the past lumber operation to predominately passenger vehicles.

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

No. While the proposed use is presented with a site plan that would create access limitations for the eastern property owner, such plans can be adjusted, at the applicant's discretion, to allow the use without such impacts. The applicant has submitted a site plan based on their needs, entirely within their property boundaries, and no aspect of the self-storage operation itself necessitates any such negative impact to access. If any future decision is made as to the legal rights to access the shared approach at that location, modification to this CUP or the required Development Agreement remain an option.

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. The Applicant is planning to alter the site to direct customer traffic away from the Highway to ensure that the property will properly function, eliminating any possible congestion or safety impacts that may occur near the right-of-way.

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

Yes. The subject property is connected to City water and sewer services. While greenspace for stormwater mitigation is limited, stormwater design has been completed as part of the Phase I development agreement for this project that includes all portions of the property. Revised site plans that include any proposed buildings must be submitted that show how the site continues to meet the City's stormwater design standards, however the total stormwater storage has already been calculated and approved.

Public Hearing opened at 6:22 p.m.

- Dennis Johnson, representative for Northern Fire Hospitality, LLC, addressed the Commission. Johnson requested clarification of conditions #4 & #5. Phillips clarified.
- Johnson requested conditions related to easements between neighbors be removed.

Public Hearing closed at 6:27 p.m.

Commission members had additional comments:

- Members, Johnson, and Staff discussed the reasonableness of conditions #4 & #5 and concurred they did not infringe upon ongoing negotiations between property owners.

Motion by Heinonen, second by Gould, to approve a Conditional Use Permit (CUP) to operate a self-service storage business on a commercial lot located at 1635 Paul Bunyan DR NW, parcels 80.03004.01, 80.03005.01, 80.03004.00, & 80.03005.00., subject to the above stated conditions

and findings of fact.

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

Nays: None.

Motion carried unanimously.

Carlson presented the third case:

PLANNING CASE – IUP-2-22-80.03646.00, 80.04029.00, 80.04105.00 AMENDMENT – KINGDOM BUILDERS CHRISTIAN SCHOOL/JON NESS

Kingdom Builders Christian School (Jon Ness) is requesting an amendment to the approved interim use permit **Resolution 2022-13** on leased property (Mount Zion New Testament) to operate a private school. The amendment request is to add grades **9th-12th** to the IUP as the current permit is only for grades **4th-8th**. The subject property is located at 414 Lincoln Ave SE in the City of Bemidji.

RECOMMENDATION & FINDINGS

Staff recommends approval 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 or existing dumpsters 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 710 of the Ordinance. All site signage, including that for traffic control, shall be included on the sign permit.
4. The defined maneuvering and parking lanes shall be adequately marked with a painted stripe and/or clear signage to provide direction for traffic and to lessen congestion or confusion meeting Section 1009 of the Ordinance.
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. Trees shall be planted within one (1) year of the date of the approved interim use permit (IUP).
6. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
7. The school shall not exceed a staff of 20 persons and student load of 100 4th – 8th grades and 50 9th – 12th grades. If either of these limits shall be exceeded during a school year, the IUP shall be subject to review by the JPB, resulting in modification or revocation of the IUP as necessary to protect public health and safety.
8. The IUP shall expire and become void if the school 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 school 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. This proposed use should have no additional contribution to traffic safety at this location, if properly managed, as proper site mitigation for maneuvering and traffic control will be in place.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property. The Applicant shall submit a traffic management plan to City Staff before operation of the school.

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

No. The Applicant will submit and follow a management plan for the site to accommodate expected traffic. The site was an elementary school previously and functioned as such.

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

Yes. The proposed use for a Private School with added grades of 9th – 12th is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the R-4 Suburban Residential Zoning Districts with the issuance of an interim use permit (IUP).

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 & sewer services.

Commission members had the following comments:

- Steffen inquired about numbers. Carlson clarified that the amounts listed in the conditions are maximums.
- Members and Carlson discussed concerns from the Assistant City Engineer and the required traffic plan.

Public Hearing opened at 6:40 p.m.

- Jon Ness, representing Kingdom Builders Christian School, addressed the Commission.
- Nancy Erickson, 508 Lincoln Ave SE, expressed her support for this planning case.

Public Hearing closed at 6:43 p.m.

Commission members had additional comments:

- Members discussed site plan and parking.

Motion by Steffen, second by Lemmer, to approve an amendment to the approved Interim Use Permit on leased property (Mount Zion New Testament) to operate a private school with the addition of grades **9th-12th** to the IUP, subject to the following findings of fact and conditions amended to include an additional condition (#9):

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. This proposed use should have no additional contribution to traffic safety at this location, if properly managed, 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.

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

No. The Applicant will submit and follow a management plan for the site to accommodate expected traffic. The site was an elementary school previously and functioned as such.

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

Yes. The proposed use for a Private School with added grades of 9th – 12th is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the R-4 Suburban Residential Zoning Districts with the issuance of an interim use permit (IUP).

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 & sewer services.

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 or existing dumpsters 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 710 of the Ordinance. All site signage, including that for traffic control, shall be included on the sign permit.
4. The defined maneuvering and parking lanes shall be adequately marked with a painted stripe and/or clear signage to provide direction for traffic and to lessen congestion or confusion meeting Section 1009 of the Ordinance.
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. Trees shall be planted within one (1) year of the date of the approved interim use permit (IUP).
6. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
7. The school shall not exceed a staff of 20 persons and student load of 100 4th – 8th grades and 50 9th – 12th grades. If either of these limits shall be exceeded during a school year, the IUP shall be subject to review by the JPB, resulting in modification or revocation of the IUP as necessary to protect public health and safety.
8. The IUP shall expire and become void if the charter school 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 school 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.
9. **The Applicant shall submit a traffic management plan approved by City Staff before operation of the school.**

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

Nays: None.

Motion carried unanimously.

Phillips presented the fourth case:

ORDINANCE AMENDMENT – PROPOSED SECTION 20 REZONE

Due to a number of recent zoning change requests in the area along Fairgrounds Road NW, and recent redevelopment of lots along the Highway 71 corridor, the Joint Planning Board, during its June 8th 2022 meeting, directed staff to study a larger portion of the area and propose zoning map amendments that coincide with changing conditions and demand. Staff reviewed this as part of a larger project, and not the result of any specific request, however the scope of the review now included ninety-seven (97) parcels that each required consultation with their respective owners. Staff reached out through an initial mailer to all parcels in the study area requesting feedback on zoning changes in general, followed by a second letter to the property owners specifically effected by the changes proposed by staff.

RECOMMENDATION & FINDINGS

Staff recommends approval of the proposed map amendments, based on the following findings of fact:

Approval recommended with the following findings of fact and conditions:

Findings of Fact:

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

Yes. The proposed zoning district changes follow the intended uses of the subject properties while positioning many to better meet Ordinance Standards should anticipated future development be initiated.

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. The proposal looks to organize zoning districts along public infrastructure in a way that is consistent with planning best practices, such as locating commercial and higher density residential districts along higher traffic corridors while preserving other developed residential neighborhoods by suggesting changes that do not limit their continued 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 properties if they were reclassified;

Yes. The entire study area is outside of the service range of municipal sanitary services, and consideration of proper lot size for any intensification of use has been accounted for in the proposed changes. The proposed district changes meet ordinance bulk standards, which reflects the area for each property needed to provide private sewer and water facilities.

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

Yes. Many existing residential properties located within the study area are substandard in size for the district classifications they have been given, or are zoned in conflict with the established uses on those properties. This proposed amendment would resolve many of these non-conformities, allowing development and improvement of property by either meeting the required bulk standards in the ordinance or otherwise meeting the redevelopment requirements under §502 (Substandard Lots of Record) within the Ordinance.

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.

Yes. Multiple property owners within the study area have approached the GBAJPB and staff in the past few years regarding zoning and redevelopment of properties, many of which have been

denied or postponed due to conflicts with zoning districts that do not reflect the existing land uses or otherwise do not provide opportunity for any intensification of allowed uses.

Commission members had the following comments:

- Chambers commented on the case.

Public Hearing opened at 6:54 p.m.

- Jackie Moe addressed the Commission.
- Arnie Andree addressed the Commission.

Public Hearing closed at 6:59 p.m.

Commission members had additional comments:

- Heinonen and Phillips discussed the affected properties.

Motion by Granlund, second by Steffen, to approve the proposed zoning map amendments subject to the above stated findings of fact.

Ayes: Chambers, Lemmer, Gould, Granlund, David, Steffen, Faver.
Nays: Heinonen.

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.

UPCOMING MEETING DATES:

September 14, 2022	6:00 pm	JPB Regular Meeting
September 29, 2022	6:00 pm	JPC Regular Meeting
October 5, 2022	12:00-3:00 pm	Joint LGU Fall Tour
October 12, 2022	6:00 pm	JPB Regular Meeting
October 27, 2022	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Heinonen, second by Steffen, to adjourn the Regular Planning Commission meeting at 7:09 p.m. Motion carried.

Respectfully submitted,

Ainslee Krause
Administrative Assistant

Approved and attested by: _____
Joint Planning Commission Representative