

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

Thursday, May 27, 2021  
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, April 22, 2021 Regular Meeting**

**NEW BUSINESS**

- 1. Visitors** **Chair**

**Public Hearings**

- 1. City of Bemidji – Amended CUP-21-80.04944.00 – Hegna Properties, LLC** **JC**
- 2. Ordinance No. 2021-02 - Short-term Vacation Rental Ordinance** **NP**
- 3. Ordinance No. 2021-03 - Cul-de-sac Definition** **NP**
- 4. Ordinance No. 2021-04 - Section 402 – Porch Definition & Front Yard Setbacks -** **NP**
- 5. Ordinance No. 2021-05 - SSTS Definitions** **NP**
- 6. Ordinance No. 2021-06 - Drive-thru Standards** **JC**

**OTHER BUSINESS**

- 1. Director’s Report**
- 2. Upcoming Meetings** **Chair**
  - June 9, 2021 6:00 pm JPB Regular Meeting
  - June 24, 2021 6:00 pm JPC Regular Meeting
  - July 14, 2021 6:00 pm JPB Regular Meeting
  - July 22, 2021 6:00 pm JPC Regular Meeting
- 3. Adjourn** **Chair**

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

**May 27, 2021  
6:00 p.m.**

**Cisco Webex / Council Chambers  
317 4<sup>th</sup> St NW**

**CALL TO ORDER:** Chair Mike Granlund 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, Heinonen, Lemmer, Granlund, Gould, Steffen, David, Faver.

**MEMBERS ABSENT:** Smith.

**STAFF PRESENT:** Jamin Carlson, Ainslee Knudson, Nickolaus Phillips.

**OTHERS:** Dick & Jill Beardsley, Terry Duy, Austin Graser, Kathy Guess, Noemi Aylesworth, Wes Hegna, Sachel Josefson.

**APPROVAL OF AGENDA:**

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

Motion carried.

**APPROVAL OF MINUTES:**

Motion by Lemmer, second by Heinonen, to approve minutes from the April 22, 2021, Greater Bemidji Area Regular Joint Planning Commission as presented.

Motion carried.

**VISITORS:**

None

**NEW BUSINESS:**

**Public Hearing:**

**Carlson presented the first case:**

**PLANNING CASE – CUP-20-80.04944.00 AMENDMENT – HEGNA PROPERTIES, LLC**

Hegna Properties, LLC is requesting an amendment to a previously approved Conditional Use Permit (CUP – 20-80.04944.00) to install a drive-thru for a new restaurant onto the north side of the existing multi-tenant building located at 1008 Paul Bunyan Dr NW, parcel 80.04944.00. This parcel is located in the (B-2) General Commercial Zoning District and the Trunk Highway 197 Overlay District.

**BACKGROUND**

The Applicant met with JPB staff to discuss amending his approved CUP administratively and the possibility of making changes to the approved site plan. The Applicant wanted to work within the 20% administrative margins, but was unable to do so. This is why there is a need for the CUP

amendment at the commission & board level. Minnesota Department of Transportation (MnDOT) was contacted about the proposed entrance to be moved to the east and the MnDOT team met and discussed and have sent a letter stating they are okay with the access move, but prefer the original approved CUP. The original letter is in the packet. In the new site plan, the patio space has decreased and the greenspace has increased in that area, along with the possibility of a decorative wall to protect patrons. The amended site plan does improve the conflict of parking stalls 19 & 20. Carlson noted that within this approved CUP, the sign setback would be met. MNDOT has given its preliminary approval, although there are additional requirements that they have noted in their response letter.

### **RECOMMENDATION & FINDINGS**

Staff recommends approval for the amended CUP. The original approved CUP plan did address some of the traffic and parking on adjacent streets and land, however the design for the parking lot could have had potential issues with parking and maneuvering conflicts. The amended site plan showed some improvements for the subject property by creating a more linear drive-thru and keeping some of the needed parking stalls and increased greenspace in the front-yard setback; however, the ingress and egress from the Highway could still be an issue. Per Section 102 of the Ordinance, the JPB's responsibility to promote the beneficial and safe interaction between the use of land, buildings, and people for the circulation of vehicular, bicycles, and pedestrian traffic, including active transportation and complete streets, throughout the Greater Bemidji Area. Staff addressed that there are additional conditions, #4-#7, and changes to the findings.

### **RECOMMENDATION FOR APPROVAL**

Approval is recommended with the following conditions based on the 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 moving the existing freestanding sign or the installation of any new signage and 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. A raised curb with internal greenspace shall be installed on the ends of parking stalls #55 and #22 to act as a traffic calming measure and to prevent customers from cutting across parking stalls to enter the drive- thru.
5. The queue area may not interfere with other on-site circulation and parking facilities.
6. The resulting driveway relocation will require a driveway easement be legally recorded at the County Courthouse. MnDOT will need a copy of the recorded easement prior to issuing the permit to construct in its right of way.
7. The existing driveway will be eliminated, and the new driveway will be constructed to MnDOT standards.
8. The Applicant shall install permanent signage to keep vehicles from blocking the entrance or ROW.
9. If egress agreement is terminated with the property owner to the west, then the CUP shall be brought back to the JPB Board for redesign of the drive-thru.
10. 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.
11. All proper permits shall be obtained prior to construction, including a building, demolition,

- and mechanical permit from the City of Bemidji.
12. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil.
  13. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
  14. This CUP shall be subject to a six (6) month review and annually thereafter to insure compliance with the Ordinance as well as protecting and preserving the natural environment. If staff observes violations or vehicular stacking issues shall warrant a review and it will be brought to the Joint Planning Board for further action.
  15. 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 redirect drive-thru traffic to stack within the property rather than to extend out into the right-of-way and has made some improvement to the front of the property with the access moving to the east. The stacking issue that occurs on the neighboring property has already been in existence and this proposed use should have no additional contribution to that matter. This CUP amendment does address some of the adverse affects from the original CUP.

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 and to modify the shared entrance off of Hwy 197 and move it to the east. The Applicant has an agreement in place with the property owner to the west pending CUP approval, for allowing the drive-thru customers to exit through their lot utilizing the bank's drive-thru exit lane. The shared access with the property owner to the east will have some traffic mitigation measures installed to help calm and slowdown traffic as it enters the two properties.

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

No. The Applicant plans to redesign the entrance to slowdown traffic as it enters the subject property. Both the properties to the east and west have existing drive-thru windows, so the subject property proposing to install a drive-thru window will fit within the nature of the neighborhood.

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

Yes. The proposed use of a drive-thru restaurant 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's amended site plan directs customer stacking away from the Highway to ensure that appropriate and compatible with opportunity to be successful.

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 and the parking lot is sloped towards the east property line where a cement gutter runs south to a stormwater drain that directs all run-off to retention area on the neighbor's property.

**Commission members had the following comments:**

Commission members had no comments.

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

Wes Hegna, representing Hegna Properties, LLC, addressed the Commission. Hegna noted that MNDOT was not previously in support of shifting the entrance to the East, but with additional research and discussion with neighboring properties, MNDOT is now in support of shifting the entrance. Hegna stated that this new information is the reason why he is reappearing before the Commission and Board.

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

**Commission members had the following comments:**

Commission members addressed concern over the drive-thru traffic, noting the potential for increased traffic in the future. Lemmer expressed concern over the easements with the surrounding properties. Hegna responded and noted that other properties in town have easements with neighboring properties. Hegna referenced the MnDOT 197 Corridor Project.

Motion by Gould, second by Faver, to approve the amended Conditional Use Permit to install a drive-thru for a new restaurant onto the north side of the existing multi-tenant building located at 1008 Paul Bunyan Dr NW, parcel 80.04944.00 with the following conditions and findings of facts:

**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 moving the existing freestanding sign or the installation of any new signage and 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. A raised curb with internal greenspace shall be installed on the ends of parking stalls #55 and #22 to act as a traffic calming measure and to prevent customers from cutting across parking stalls to enter the drive- thru.
5. The queue area may not interfere with other on-site circulation and parking facilities.
6. The resulting driveway relocation will require a driveway easement be legally recorded at the County Courthouse. MnDOT will need a copy of the recorded easement prior to issuing the permit to construct in its right of way.
7. The existing driveway will be eliminated, and the new driveway will be constructed to MnDOT standards.
8. The Applicant shall install permanent signage to keep vehicles from blocking the entrance or ROW.
9. If egress agreement is terminated with the property owner to the west, then the CUP shall be brought back to the JPB Board for redesign of the drive-thru.
10. 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.
11. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.

12. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil.
13. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
14. This CUP shall be subject to a six (6) month review and annually thereafter to insure compliance with the Ordinance as well as protecting and preserving the natural environment. If staff observes violations or vehicular stacking issues shall warrant a review and it will be brought to the Joint Planning Board for further action.
15. 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**

**1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land;**

No. The Applicant has made a reasonable effort to redirect drive-thru traffic to stack within the property rather than to extend out into the right-of-way and has made some improvement to the front of the property with the access moving to the east. The stacking issue that occurs on the neighboring property has already been in existence and this proposed use should have no additional contribution to that matter. This CUP amendment does address some of the adverse affects from the original CUP.

**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 and to modify the shared entrance off of Hwy 197 and move it to the east. The Applicant has an agreement in place with the property owner to the west pending CUP approval, for allowing the drive-thru customers to exit through their lot utilizing the bank's drive-thru exit lane. The shared access with the property owner to the east will have some traffic mitigation measures installed to help calm and slowdown traffic as it enters the two properties.

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

No. The Applicant plans to redesign the entrance to slowdown traffic as it enters the subject property. Both the properties to the east and west have existing drive-thru windows, so the subject property proposing to install a drive-thru window will fit within the nature of the neighborhood.

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

Yes. The proposed use of a drive-thru restaurant 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's amended site plan directs customer stacking away from the Highway to ensure that appropriate and compatible with opportunity to be successful.

**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 and the parking lot is sloped towards the east property line where a cement gutter runs south to a stormwater drain that directs all run-off to retention area on the neighbor's property.

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

Nays: Lemmer, David, Berg.  
Abstentions: None.

Motion carried.

**Phillips presented the second case:**

**ORDINANCE NO. 2021-02 – Short-term Vacation Rentals:**

Phillips presented the proposed ordinance amendments to the Commission. Phillips referenced the changes to the previously proposed ordinance amendment, and the requirements, addressing the proposed permit from the Joint Planning Board and the license required by the Department of Health.

**Commission members had the following comments:**

Commission members and Staff discussed the changes to the proposed ordinance amendment, and the citation process.

**Public Hearing opened at 6:29 p.m.**

Members of the public in attendance addressed the Commission. Five members of the public expressed their support for amending the Ordinance to allow short term vacation rentals. One member of the public requested that, whether or not the Ordinance gets changed, regulations should be enforced.

**Public Hearing closed at 6:55 p.m.**

**Commission members had the following comments:**

Lemmer clarified that the Ordinance outlines a three-day minimum. Staff confirmed. Lemmer discussed the regulations. Heinonen confirmed that short term vacation rentals under the Ordinance will be required to pay lodging tax. Members and Staff discussed regulations and density. Staff confirmed that the Joint Planning Board attorney will review the proposed ordinance amendment, and did review the previous version in 2018. Members and Staff discussed the minimum and maximum night stay.

Motion by David, second by Lemmer, to approve Ordinance No. 2021-02 – Short-term Vacation Rentals.

Motion by David, second by Lemmer, to approve Ordinance No. 2021-02 – Short-term Vacation Rentals including a change of the minimum night stay from three (3) to one (1).

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

Motion carried.

**Phillips presented the third case:**

**ORDINANCE NO. 2021-03 – Cul-de-sac Definition:**

Phillips addressed the Commission and discussed the proposed amendment to the cul-de-sac definition.

**Commission members had the following comments:**

Commission members had no comments.

**Public Hearing opened at 7:19 p.m.**

No comments.

**Public Hearing closed at 7:19 p.m.**

Motion by Faver, second by Gould, to approve Ordinance No. 2021-03 – Cul-de-sacs.

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

Nays: None.

Abstentions: None.

Motion carried.

**Philips presented the fourth case:**

**ORDINANCE NO. 2021-04 – Porch Definition & Front Yard Setback Standards:**

Phillips discussed the proposed ordinance amendment to the front yard setback and the proposed addition of the porch definition.

**Commission members had the following comments:**

Granlund inquired as to which option Staff recommends. Staff recommended Option 2 as there is more flexibility within that amendment.

**Public Hearing opened at 7:25 p.m.**

No comments.

**Public Hearing closed at 7:25 p.m.**

**Board members had the following comments:**

Lemmer inquired if this specific ordinance amendment will help Staff take care of requests administratively. Staff addressed that it would, but in limited districts, and not in commercial.

Motion by Heinonen, second by Lemmer, to approve the Option 2 presented, Ordinance No. 2021-04 – Porch Definition and Front Yard Setback Standards.

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

Nays: None.

Abstentions: None.

Motion carried.



**Phillips presented the fifth case:**

**ORDINANCE NO. 2021-05 – SSTS Definition:**

Phillips described the proposed amendment to the Ordinance to update the SSTS definitions within the Ordinance.

**Commission members had the following comments:**

Commission members and Staff discussed the proposed amendment and the requirements within septic permitting.

**Public Hearing opened at 7:31 p.m.**

No comments.

**Public Hearing closed at 7:31 p.m.**

Motion by David, second by Heinonen, to approve Ordinance No. 2021-05 – SSTS Definition.

Ayes: Lemmer, Gould, Granlund, Heinonen, David, Faver, Berg.

Nays: None.

Abstentions: None.

Absent: Smith, Steffen

Motion carried.

**Carlson presented the sixth case:**

**ORDINANCE NO. 2021-06 – Stacking Spaces and Drive-Through Facilities:**

Carlson described the proposed ordinance amendment regarding drive-through standards. Carlson addressed that the current regulations for a drive-through is a Conditional Use Permit with no specific drive-through standards.

**Commission members had the following comments:**

Granlund inquired as to staff recommendation. Staff addressed that the first option gives framework, and the second option has more flexibility. Staff stated support of Option B.

**Public Hearing opened at 7:37 p.m.**

Hegna addressed the Commission and discussed drive-through standards and permitting.

**Public Hearing closed at 7:43 p.m.**

**Board members had the following comments:**

Lemmer commented that the Commission and Board meeting agendas get posted in the local newspaper. Faver requested where the information for the proposed standards was found. Staff addressed that different communities were researched by past staff members.

Motion by Steffen, second by Faver, to recommend approval of Option B, Ordinance No. 2021-06 – Stacking Spaces & Drive-Through Facilities.

**Board members had additional comments:**

Lemmer inquired if either of the options would remove the conditional use permit that is currently required. Staff confirmed that they do not, both options include the requirement of a conditional use permit.

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

Nays: None.

Abstentions: None.

Motion carried.

**DIRECTOR'S REPORT**

Carlson provided updates on current developments as well as proposed cases. Carlson addressed that Nick Phillips accepted the position as Assistant Planner and Melissa Fahrenbruch will be starting as the Compliance Inspector and Site Analyst on June 7, 2021. Carlson addressed the status of Ruttger's. Philips provided an update on enforcement activity.

Lemmer inquired about the old holiday gas station. Staff confirmed that they had no knowledge of development on that property.

**UPCOMING MEETING DATES:**

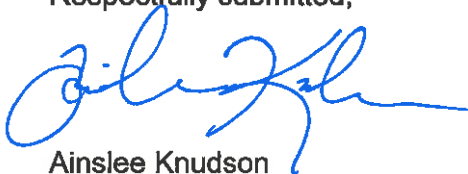
June 9, 2021	6:00 pm	JPB Regular Meeting
June 24, 2021	6:00 pm	JPC Regular Meeting
July 14, 2021	6:00 pm	JPB Regular Meeting
July 22, 2021	6:00 pm	JPC Regular Meeting

**ADJOURNMENT:**

There being no further business, motion by Heinonen, second by Lemmer, to adjourn the Regular Planning Commission meeting at 7:53 p.m.

Motion carried.

Respectfully submitted,



Ainslee Knudson  
Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative