

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

Thursday, February 25, 2021
6:00 P.M.

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, January 28, 2021 Regular Meeting**

NEW BUSINESS

- 1. **Visitors** **Chair**

Public Hearings

- 1. **City of Bemidji - IUP-21-80.03048.00 – Nystrom & Associates** **JC**
- 2. **City of Bemidji – Z/CUP-21-80.07010.00 – Whelan Properties, Inc** **JC**
- 3. **Northern Township – CUP-21-31.00368.03 – Hoover Properties, LLC** **JC**

OTHER BUSINESS

- 1. **Director’s Report**
- 2. **Upcoming Meetings** **Chair**
 - **March 10, 2021** 6:00 pm **JPB Regular Meeting**
 - **March 25, 2021** 6:00 pm **JPC Regular Meeting**
 - **April 14, 2021** 6:00 pm **JPB Regular Meeting**
 - **April 22, 2021** 6:00 pm **JPC Regular Meeting**
- 3. **Adjourn** **Chair**

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

**February 25, 2021
6:00 p.m.**

**Cisco Webex
Video Conference**

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, Smith, Gould, Steffen, David.

MEMBERS ABSENT: Faver.

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

OTHERS: Peter Nystrom, Bob Whelan, Justin Hoover, Linda Autrey, Tanya Roerick.

APPROVAL OF AGENDA:

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

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Heinonen, second by Steffen, to approve minutes from the January 28, 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 – IUP-21-80.03048.00 – NYSTROM & ASSOCIATES

Peter Nystrom of Nystrom & Associates LTD is requesting an interim use permit (IUP) to perform behavioral healthcare services in the (UR) Urban Renaissance and Shoreland Overlay districts located at 102 1st Street W, Suites 204 & 205 within the City of Bemidji.

BACKGROUND

The Applicant, Peter Nystrom representing Nystrom & Associates LTD, has a plan to convert 3,145 square feet of the existing structure in suites 204 & 205 for the behavioral health facility within the multi-tenant building. The Applicant submitted in his application that Nystrom & Associates deliver a growing need that every community is seeking more of, that being quality behavioral healthcare. He goes on to say that now more than ever, communities, people of all walks of life, are struggling with added stressors of life; anxiety, depression, marital problems, children struggling with isolation

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and this service helps stabilize communities across Minnesota. Nystrom & Associates LTD, is a group of professional care providers from the fields of psychiatry, psychology, clinical social work, marriage & family therapy, and nursing who are committed to helping individuals & families that are experiencing personal, emotional, marital, or psychological problems. The Applicant states that there will not be any dispensing of medication at this site. Appointments are prescheduled for the noted services.

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: 8:00 a.m. to 8:00 p.m.

Number of Employees: 10

Number of Clients: 8 per hour and up to 50 per day

Planning Considerations

All Interim Use Permits must follow the same general requirements of a Conditional Use Permit including process, criteria, and findings. The primary difference between the two permits is that a CUP runs with the land vs. the IUP which runs with the applicant/owner and has an ending date or event which terminates the permit.

Per the Greater Bemidji Area Zoning & Subdivision Ordinance (hereafter referred to as “Ordinance”):

INTERIM USE: A temporary use of property until a particular date, until a particular event, or until zoning regulations no longer permit it. Interim use permits are not recorded and do not run with the land upon transfer. All interim uses shall conform to standards listed in Section 1205 of this Ordinance.

Per the Ordinance: clinics that provide counseling services require the issuance of an Interim Use Permit by the JPB to be located in the (UR) Urban Renaissance 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.

Suites 204 & 205 are located on the far western portion of the multi-tenant building and connected to the Mayflower complex and that is to the direct east; to the south is the Paul Bunyan trail and part of the railroad corridor; the Kraus Anderson parking lot to the direct north, and a vacant building to the direct west. This use is allowed with an IUP in the (UR) Urban Renaissance district.

Parking and Traffic

Section 1009 of the Ordinance requires that parking be based on three (3) spaces per examination or treatment rooms. Although this zoning district is exempt from parking, the site does have adequate parking with the adjacent lots.

Signage

No signage plan has been presented to JPB staff. Any new signage will require a sign permit through the GBAJPB. All signage must comply with Section 712 of the Ordinance.

Trash Handling & Storage Containers

Dumpsters were located on the parcel and an enclosure will need to be built complying with Section 1002 of the Ordinance.

Lighting

All exterior lighting for this parcel shall meet Section 1008 of the JPB Ordinance. After a site inspection, exterior lights will have to be brought into conformance with the 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.

Craig Gray the City of Bemidji Engineer had the following to say:

Public Works/Engineering has no issues with this proposal.

Brett Case, GIS Coordinator had the following comment:

*They should consult with me on the suite number for E911 purposes.
Otherwise GIS has no concerns.*

Neighboring Property Owner input

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

Comprehensive Plan References

The proposed use to provide opioid counseling services in the (U-R) district is consistent with Greater Bemidji Area Comprehensive Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

Objective 7.1: Preserve and Enhance our Public Services and Private Utilities *Cooperation is important when planning for public or private expansion of services, encouraging private and public entities to work together on major improvements and promote reasonable expansion projects while supporting the maintenance of existing facilities.*

Zoning Ordinance References

Section 301 – Allowed, Permitted, Conditional, and Interim Uses
Section 302 – Land Use Matrix
Section 402 – Lot Size and Bulk Regulations by Zoning Districts
Section 712 – Signs Permitted in the (UR) Urban Renaissance District
Section 1002 – Exterior Storage and Outdoor Display of Merchandise
Section 1009 – Parking Standards

RECOMMENDATION & FINDINGS

Staff recommends approval of an Interim Use Permit (IUP) to allow Nystrom & Associates to perform behavioral healthcare services at 102 1st Street W, Suites 204 & 205 within the City of Bemidji, with the following conditions and findings of fact:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space.
2. Any signage must meet Section 712 of the Ordinances and a permit must be granted if necessary before any signage is placed on site.
3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the Ordinance.
4. All lighting on-site will need to comply with Section 1008 of the JPB Ordinance; a lighting

- plan shall be submitted with final building plans for JPB review.
5. The hours for behavior health services shall be from 8 A.M. to 8 P.M. JPB staff shall be informed if hours of operation are to change.
 6. If a change in type of behavioral health counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB shall be notified. If a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
 7. The IUP shall be reviewed for compliance one (1) time upon six (6) months of operation by the JPB. If JPB staff conclude there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
 8. An interim use permit shall expire and become void if the use it allows 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 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 - IUP

The Planning Commission shall during its public hearing and include in its recommendation to the GBAJPB consideration of the following findings-of-fact. Staff recommended findings are as follows:

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 behavioral health counseling service 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 the on-site 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 Comprehensive Plan as well as the Zoning and Subdivision Ordinance.

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

Yes. The property is connected to public infrastructure and will be served by city services.

Commission members had the following comments:

No comments.

Public Hearing opened at 6:12 p.m.

Nystrom addressed the Commission and expressed the recent increase in a need for services.

Smith inquired about the Applicant's presence in Bemidji and within the state. Nystrom responded that they do not have outpatient services in Bemidji right now, but they currently serve Bemidji through their ARMHS program which is through county contracts.

Public Hearing closed at 6:16 p.m.

Motion by Steffen, second by David, to approve an Interim Use Permit (IUP) to allow Nystrom & Associates to perform behavioral healthcare services at 102 1st Street W, Suites 204 & 205 within the City of Bemidji with the following conditions and findings of facts:

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.
2. Any signage must meet Section 712 of the Ordinances and a permit must be granted if necessary before any signage is placed on site.
3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the Ordinance.
4. All lighting on-site will need to comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
5. The hours for behavior health services shall be from 8 A.M. to 8 P.M. JPB staff shall be informed if hours of operation are to change.
6. If a change in type of behavioral health counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB shall be notified. If a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
7. The IUP shall be reviewed for compliance one (1) time upon six (6) months of operation by the JPB. If JPB staff conclude there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
8. An interim use permit shall expire and become void if the use it allows 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 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 - IUP

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 behavioral health counseling service 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 the on-site 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 Comprehensive Plan as well as the Zoning and Subdivision Ordinance.

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

Yes. The property is connected to public infrastructure and will be served by city services.

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

Nays: None.

Abstentions: None.

Motion carried unanimously.

Carlson presented the second case:

PLANNING CASE – Z/CUP-21-80.07010.00 – WHELAN PROPERTIES, INC./NISWANDER

Whelan Properties INC, is requesting a rezone (Z) from B-1 Low Density Commercial to R-6 Multiple-Family and a conditional use permit (CUP) for the above stated parcel in order to build up to 88 new apartment units in three separate buildings at Justice Rd. NW and Irvine Ave NW in the (B-1) Low Density Commercial Zoning District within the City of Bemidji. The requested conditional use permit (CUP) is required to be able to have 30 or greater units on the parcel. (See Site Plans)

BACKGROUND

Matt Murray, Applicant's representative, first met with JPB staff to discuss possibilities of a lot division and a phased plan. Two weeks later JPB staff met with the Applicant along with his representative and a revised plan was discussed with the lot remaining intact and a more refined layout was submitted. The Applicant also discussed a phased plan based on market conditions for the second 30 unit apartment on the south part of the lot for a future build. The Applicant would like to start the north 30 unit apartment along with the 28 unit complex in April, if possible. When the subject parcel was zoned B-1 it was in Northern Township and City services were not available at that time. If the subject lot was rezoned to R-6, it would follow the future land-use map and fit within the surrounding area in regards to similar land-use.

Planning Considerations

All Conditional Use Permits must follow the general requirements including process, criteria, and findings. A conditional use permit is recorded and runs with the land, not with the owner/applicant. All Interim Use Permits must follow the same general requirements of a Conditional Use Permit including process, criteria, and findings. The primary difference between the two permits is that a CUP runs with the land vs. the IUP, which runs with the applicant/owner and has an ending date or event which terminates the permit.

Per the Ordinance:

***Conditional Use:** A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by his Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to the Greater Bemidji Area Land Use Plan and be compatible with the existing neighborhood.*

Planning Considerations

When reviewing zoning requests it is imperative to ensure that "spot zones" are not created. Spot zoning allows for a particular parcel of land to have land uses differing from land uses allowed in Planning Commission Meeting, February 25, 2021

adjacent and small regional areas, and is likely a deviation from the land use plan.

GBAJPB Future Land-Use Map

The future land-use map shows that this particular parcel is slated for multiple-family and the adjoining properties to the west and south are already high-density housing.

Existing Conditions

The parcel is an existing undeveloped lot and it abuts apartment complexes to the west and south. County road 15 (Irvine Ave N) runs along the east side of the property along with some high power lines as well. There is a residential lot to the north that is also zoned B-1 and a manufactured housing park to the east.

Parking

See site plans.

Landscaping

See site plans.

Lighting –Any additional lighting that would be added would need to conform to the JPB's requirements.

Lighting shall be directed downward in order to minimize adverse impact on surrounding properties and rights-of-way.

Signage

No signage plans have been submitted at this time.

Trash Handling

Trash enclosures are noted on the site plans. Any dumpsters brought on site must meet Section 1002 standards of the JPB Ordinance and be fully enclosed.

Development Team (Public Works / Engineer; Building Official; Fire Department; GIS)

A utility concern was brought to the attention of JPB staff along with addressing at the time of writing this report. Final plans will be reviewed by all officials for compliance with City of Bemidji and JPB regulations.

From Craig Gray, City of Bemidji Public Works Director / City Engineer

1. *Require a plan that shows how these buildings will be served by utilities.*
2. *Require calculations from a PE that shows that the existing private 6" sanitary sewer line to the north has enough pipe capacity to serve all of these units. (This concern is addressed with the utility schematic.)*

From Brett Case, GIS Coordinator

*They will need to work with GIS to establish addressing for the buildings and unit.
Otherwise, GIS has no concerns.*

Utilities

The Applicant's representative has submitted a utility schematic addressing the concerns of the public works department.

Neighborhood Comment

No neighborhood comment was received at the time of writing this report.

Comprehensive Plan References

Objective 4.1: Preserve the Quality Residential Neighborhoods

- 1. Review and update the land use ordinances and zoning map on a regular basis. It is important to review current land use patterns to ensure neighborhoods are being preserved. It is anticipated that multi-family and commercial development will continue to increase. It is imperative to ensure this increase will not impact existing neighborhoods with increases in traffic, noise, or other factors associated with intensified development.*

Objective 8.2 Promote and Encourage Diversity with New Housing Developments

Housing developments that include a diverse amount of housing options can help ensure all residents have housing, diverse housing can and should provide market rate and affordable opportunities.

- 1. Promote a variety of housing options based on market and need. It is important to support all forms of housing developments and to promote diversity and choice of housing for all residents. Market rate housing or workforce housing should be promoted based on market trends, affordable or supportive housing should be promoted based on the needs of the community.*

Zoning Ordinance References

Section 401: Minimum Lot Size Requirements and Bulk Requirements

Section 402: Lot Size and Bulk Regulations by Zoning District

Section 1002: Exterior Storage and Outdoor Display

Section 1006: Landscaping Requirements

Section 1008: Lighting

Section 1009: Parking Standards

RECOMMENDATION & FINDINGS

Staff recommends approval of a rezone (Z) from B-1 Low-Density Commercial to R-6 Multiple Family and a conditional use permit (CUP) for 30 or greater units for parcel 80.07010.00. Approval recommended with the following conditions and findings of fact:

Conditions

1. All current and future lighting improvements on the property shall be in full conformity with Section 1008 of the Zoning & Subdivision Ordinance.
2. All trash enclosures shall be completely enclosed on all sides, complying with Section 1002 of the Zoning & Subdivision Ordinance.
3. A sign permit shall be obtained prior to installation of any new signage. Any additional 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 landscaping plan with a total of at least 60 trees planted on the parcel and 34 trees in both the front yard setbacks shall be submitted for final approval to JPB staff.
5. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department, with a building permit obtained prior to construction.
6. Final engineering grading, drainage and utility plans will need to be approved for review by JPB staff and City of Bemidji Public Works staff before any construction can commence.
7. The CUP shall be reviewed for compliance by the JPB staff within one (1) year of approval.
8. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
9. The conditional use permit shall expire and become void if the 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 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 - Rezone

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

Yes. The current intent and proposed future land use are consistent with the (R-6) Multiple Family Zoning District as the Future Land Use Map shows this area as multiple family.

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. High Density Residential land uses would be compatible in this area as the properties immediately adjacent are also zoned R-6 respectively. The proposed rezone follows the GBAJPB Comprehensive Future Land Use Map as well.

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.

Yes. These lots will be served by city services.

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

No. This is not a correction. This rezone request would be bring this lot closer to conformity with GBAJPB Future Land Use Map and Comprehensive Plan.

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. This area has been zoned for low-density commercial not served by central services. The conditions have changed as central services are available and the use is going to be higher density residential. The future land-use map also shows this area as high density residential which follows the GBAJPB Comprehensive Plan.

Findings of Fact – CUP

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

No. Multiple-family fits well in this neighborhood as other apartment complexes make up this area. The proposed project is not anticipated to adversely affect, nor create an unreasonable level of disruption or increase interference upon the surrounding area.

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

No. Based on the proposed project, the site plans show adequate off-street parking and two ingress and egress points. These parking additions should alleviate on-street parking issues. Multiple-family use for this location is not anticipated to adversely affect traffic or parking conditions as the parcel is adjacent to a major county road.

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 neighborhood. Based on the site plans, this project should not have an impact on the surrounding properties and area.

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

Yes. The proposed use is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning and Subdivision Ordinance as long as the property is approved through a CUP.

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

Yes. The property is served by City services.

Commission members had the following comments:

Smith expressed concern over tenants exiting the property to the north onto the private drive and inquired if there will be curbstops. Smith inquired if the surrounding apartments are hooked up to city water and sewer. Carlson stated that he believes they are all hooked up to city services. Carlson elaborated that since this area was previously a landfill, all the properties east of the property in question had to be hooked up to city water and sewer because of pollution concerns.

Public Hearing opened at 6:25 p.m.

Whelan expressed the community's current need for housing. Whelan addressed Smith's concerns, and stated that the elevation is high enough to prevent tenants from exiting to the north.

Public Hearing closed at 6:28 p.m.

Motion by Steffen, second by Smith, for approval of a rezone (Z) from B-1 Low-Density Commercial to R-6 Multiple Family for parcel 80.07010.00. Approval recommended with the following findings of fact:

Findings of Fact - Rezone

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

Yes. The current intent and proposed future land use are consistent with the (R-6) Multiple Family Zoning District as the Future Land Use Map shows this area as multiple family.

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. High Density Residential land uses would be compatible in this area as the properties immediately adjacent are also zoned R-6 respectively. The proposed rezone follows the GBAJPB Comprehensive Future Land Use Map as well.

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.

Yes. These lots will be served by city services.

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

No. This is not a correction. This rezone request would be bring this lot closer to conformity with GBAJPB Future Land Use Map and Comprehensive Plan.

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. This area has been zoned for low-density commercial not served by central services. The conditions have changed as central services are available and the use is going to be higher density

residential. The future land-use map also shows this area as high density residential which follows the GBAJPB Comprehensive Plan.

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

Nays: None.

Abstentions: None.

Motion carried.

Motion by Smith, second by Lemmer, for approval of a conditional use permit (CUP) for 30 or greater units for parcel 80.07010.00. Approval recommended with the following conditions and findings of fact:

Conditions

1. All current and future lighting improvements on the property shall be in full conformity with Section 1008 of the Zoning & Subdivision Ordinance.
2. All trash enclosures shall be completely enclosed on all sides, complying with Section 1002 of the Zoning & Subdivision Ordinance.
3. A sign permit shall be obtained prior to installation of any new signage. Any additional 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 landscaping plan with a total of at least 60 trees planted on the parcel and 34 trees in both the front yard setbacks shall be submitted for final approval to JPB staff.
5. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department, with a building permit obtained prior to construction.
6. Final engineering grading, drainage and utility plans will need to be approved for review by JPB staff and City of Bemidji Public Works staff before any construction can commence.
7. The CUP shall be reviewed for compliance by the JPB staff within one (1) year of approval.
8. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
9. The conditional use permit shall expire and become void if the 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 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 – CUP

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

No. Multiple-family fits well in this neighborhood as other apartment complexes make up this area. The proposed project is not anticipated to adversely affect, nor create an unreasonable level of disruption or increase interference upon the surrounding area.

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

No. Based on the proposed project, the site plans show adequate off-street parking and two ingress and egress points. These parking additions should alleviate on-street parking issues. Multiple-family use for this location is not anticipated to adversely affect traffic or parking conditions as the parcel is adjacent to a major county road.

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 neighborhood. Based on the site plans, this project should not have an impact on the surrounding properties and area.

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

Yes. The proposed use is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning and Subdivision Ordinance as long as the property is approved through a CUP.

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

Yes. The property is served by City services.

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

Nays: None.

Abstentions: None.

Motion carried.

Carlson presented the third case:

PLANNING CASE – CUP-21-31.00368.03 – HOOVER PROPERTIES, LLC

Justin Hoover representing Hoover Properties, LLC is requesting a Conditional Use Permit (CUP) to expand his current mini warehouse storage to the above 16.47 acre parcel located off of Irvine Avenue NW and Town Hall Rd. NW in the B-1 Low Density Commercial Zoning District within Northern Township.

BACKGROUND

The Applicant approached staff with a proposed request to further develop the existing mini-storage facility that has gone through a phased plan. The submitted layout plans show a plan in four phases with stormwater infiltration areas and pavement showing in gray. The Applicant states that the access off of Irvine will be the ingress and egress for the mini-storage addition(s). This type of land use requires approval of a Conditional Use Permit per Section 302 of the GBAJPB Zoning & Subdivision Ordinance.

Planning Considerations:

All Conditional Use Permits must follow the general requirements including process, criteria, and findings. A conditional use permit is recorded and runs with the land, not with the owner/applicant. All Interim Use Permits must follow the same general requirements of a Conditional Use Permit including process, criteria, and findings. The primary difference between the two permits is that a CUP runs with the land vs. the IUP, which runs with the applicant/owner and has an ending date or event which terminates the permit.

Per the Ordinance:

Conditional Use: A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by his Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to the Greater Bemidji Area Land Use Plan and be compatible with the existing neighborhood.

A mini storage facility is only allowed in a (B-1) Commercial Zoning District through the CUP process, and should only be approved if found to be in harmony with the Ordinance and the GBAJPB land use plan.

Existing Conditions

This lot is currently vacant and has an approach off of Town Hall Rd.

Adjacent Zoning and Land Use

The proposed development is surrounded by commercial and multiple family zoning districts.

Landscaping/Screening

A final landscape plan with proposed location, size, and type of tree will need to be submitted for the screening requirements between the residential lots and the proposed site before a land use permit can be issued.

From Section 1005 of the Ordinance:

Where any business or industrial use (i.e. structure, parking or storage) is adjacent to or within one-hundred (100) feet of property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of business or industry that is considered to be the front.

Lighting

Any proposed exterior lighting will need to be submitted for review by JPB staff, being downward facing and not projecting onto right-of-way or neighboring parcels.

Signage

The Applicant has informed JPB that he would be using the existing sign off of Irvine Ave.

Hard Surfacing Requirements

The JPB ordinance requires that all parking, loading, and driving areas be surfaced with bituminous pavement, concrete or an equally durable surface. Durable surfaces are required for multiple reasons including; stormwater management reducing the amount of sediments traveling to stormwater management areas; air quality reducing dust and fine particles entering the air effecting surrounding land uses; controlling the continuous expansion of parking areas; and to ensure parking areas are in aesthetically pleasing condition and not full of rutting, water pockets, and unwanted vegetation.

Phasing Plan

JPB staff has worked with the Applicant in the past on a phasing plan for mini storage at this location and would follow the same format if all zoning requirements are continued to be met, including landscaping, hard surface, and stormwater. All areas disturbed not being utilized by approved phase must remain landscaped greenspace until next phase is approved for construction. Each phase may constitute the need for a land-use permit and/or a new development agreement between the JPB and Applicant.

Trash Handling

Currently no dumpster is being provided at this location, if one is provided it will need to meet Section 1002 of the Ordinance.

Transportation

The Beltrami County Highway Department

The Beltrami County Highway Department does not have any concerns with this request.

*Bruce Hasbargen
County Highway Engineer*

Fire Department

The fire department had no concerns with this request for fire safety.

JPB Engineer

No engineering concerns were brought to our attention at this time, but final plans will need to be reviewed by licensed engineer prior to approval.

Comprehensive Plan References

Objective 4.2: Preserve and Promote Commercial and Industrial Redevelopment or In-Fill Development Where Appropriate

Providing opportunity for commercial and industrial redevelopment is imperative to reduce urban sprawl and increase land use densities where appropriate. Land use planning can preserve existing developed areas and ensure land is available as well as compatible for increased development.

- 1. Promote flexibility for commercial and industrial redevelopment and encourage in-fill development.*** *Allowing for in-fill development and redevelopment of existing commercial areas will ensure the current commercial and industrial areas remain vibrant, full, and diverse. In-fill and redevelopment will be encouraged before resorting to increasing commercial and industrial areas.*

Zoning Ordinance References

Section 302: Land Use Matrix

Section 402: Minimum Lot Size Requirements and Bulk Requirements

Section 1005: Screening Requirements

Section 1006: Landscape Standards

Section 1009: Parking Standards

RECOMMENDATION & FINDINGS

Staff recommends approval of a conditional use permit to expand mini warehouse storage at parcel 31.00368.03 in the (B-1) Low Density Commercial Zoning District of Northern Township with the following conditions and findings of fact:

Conditions

1. Parcel 31.0368.03 shall be combined with parcel 31.03207.00 into one (1) contiguous lot of record.
2. 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.
3. Final engineering, grading, erosion control and stormwater plans will need to be approved for review by JPB staff before any construction can commence.
4. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
5. A screening plan shall be submitted to JPB staff for approval complying with Section 1005 of the JPB Zoning Ordinance.
6. The developer/owner shall enter into a development agreement with the JPB prior to construction.
7. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Zoning Ordinance.
8. A land-use permit shall be obtained for the storage building(s) before any construction can commence on the identified property.
9. If the addition storage unit is not substantially started within twelve (12) months from its date of issuance, a CUP amendment will be required for any changes or additions with this property. A substantial start means more than preliminary steps have been taken such that

preparations to initiate the 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. Negative impacts are not anticipated with this conditional land use as long as conditions are in place to mitigate potential impacts.

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

No. No additional ingress/egress will be added to Irvine Ave NW or Town Hall Rd. NW and is not expected to place a negative impact on the area transportation network.

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

No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of a CUP. Any future proposed uses or changes shall be reviewed in accordance with all zoning requirements and any change in use that requires an amendment to the CUP will be brought back to the Commission and Board for approval.

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 Comprehensive Plan and Zoning Ordinance through an approved CUP.

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

Yes. An engineered plan will address drainage, and sewer and water are not proposed.

Commission members had the following comments:

Smith inquired about the access off Town Hall Road.

Public Hearing opened at 6:35 p.m.

Hoover addressed the Commission and confirmed that the access off Irvine Avenue would be the main access for customers, and the access off Town Hall Road will remain. Tanya Roerick asked the Applicant when the phases would occur. Hoover stated that phase two (2) would take approximately three (3) years, phase three (3) would take approximately two (2) years, and phases 4 and 5 would take approximately two (2) more years.

Public Hearing closed at 6:38 p.m.

Motion by Heinonen, second by Lemmer, for approval of a Conditional Use Permit to expand mini warehouse storage at parcel 31.00368.03 in the (B-1) Low Density Commercial Zoning District of Northern Township with the following conditions and findings of fact:

Conditions

1. Parcel 31.0368.03 shall be combined with parcel 31.03207.00 into one (1) contiguous lot of record.

2. 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.
3. Final engineering, grading, erosion control and stormwater plans will need to be approved for review by JPB staff before any construction can commence.
4. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
5. A screening plan shall be submitted to JPB staff for approval complying with Section 1005 of the JPB Zoning Ordinance.
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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.

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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 Comprehensive Plan and Zoning Ordinance through an approved CUP.

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

Yes. An engineered plan will address drainage, and sewer and water are not proposed.

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

Nays: None.

Abstentions: None.

Motion carried unanimously.

OTHER BUSINESS:

DIRECTOR REPORT

Carlson introduced the new Compliance Inspector & Site Analyst, Nick Phillips, and informed the Commission of the new Planning Director, Mark Borseth, who will be starting in April. Carlson provided updates on last month's planning cases as well as proposed cases. Carlson also anticipates that the upcoming JPC meeting will be held via Webex.

Granlund welcomed Nick Phillips and Joe Gould. Phillips and Gould introduced themselves to the Commission.

UPCOMING MEETING DATES:

March 10, 2021	6:00 pm	JPB Regular Meeting
March 25, 2021	6:00 pm	JPC Regular Meeting
April 14, 2021	6:00 pm	JPB Regular Meeting
April 22, 2021	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Steffen, second by Heinonen, to adjourn the Regular Planning Commission meeting at 6:48 p.m.

Motion carried.

Respectfully submitted,



Ainslee Knudson
Administrative Assistant

Approved and attested by: 
Joint Planning Commission Representative