

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
317 4th Street NW

Wednesday, April 10, 2019 REGULAR MEETING – 6:00 p.m.

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

A. MINUTES **Chair**
Approval of March 13, 2019 Minutes

B. CONSENT AGENDA
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

- 1. Approve/Pay Bills (see attached list of bills) **Chair**

C. VISITORS **Chair**

- D. NEW BUSINESS**
- 1. City of Bemidji – **Ordinance No. 2019-01** – Z-19-80.05225.00, 80.06875.00 – Loonesota Inc. **CM**
 - 2. **Ordinance No. 2019-02** – Amended 2019 GBAJPB Fee Schedule **CM**

E. OTHER BUSINESS

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

- 1. April 25, 2019 6:00 pm JPC Regular Meeting
- 2. May 7, 2019 6:00 pm Joint LGU Meeting
- 3. May 8, 2019 6:00 pm JPB Regular Meeting
- 4. May 23, 2019 6:00 pm JPC Regular Meeting
- 5. June 12, 2019 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
April 10, 2019

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, April 10, 2019, at 6:00 p.m. City Hall. Chair Kelly presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Erickson, Meehlhause, Kelly, Frenzel

Members absent: None

Staff present: Casey Mai, Terri Ball

Others in attendance: Dave Cuperus, Doug Fuller, Bill Batchelder

Pledge of Allegiance was performed.

AGENDA

Motion by Albrecht, second by Frenzel, to approve the agenda as presented.

Motion carried unanimously.

MINUTES

Motion by Albrecht, second by Meehlhause to approve the March 13, 2019 minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$3,004.92 were presented for payment.

Motion by Erickson, second by Albrecht, to approve consent agenda as amended.

Motion passed unanimously.

VISITORS –

Bill Batchelder spoke in opposition to the proposed fees for temporary storage containers. Currently Batchelder uses three (3) units for daily operations of his business. His family's store began in 1929 in what was the original Industrial Park. He has had no complaints from neighbors and urged the Board to table their decision. Batchelder also offered to serve on a committee if one is established.

NEW BUSINESS

ORDINANCE 2019-01 - Z-19-80.05225.00, 80.06875.00 - Loonesota Inc.

Lonnosota Inc. is requesting a rezone of two (2) properties along Division Street W to (B-2) General Commercial. The following properties included in the request are 80.05225.00, which is currently zoned (R-6) Multiple Family, and 80.06875.00, which is currently zoned (R-1) Rural Residential. The request is to expand commercial opportunities on these properties and along Division Street W.

BACKGROUND

In 2008, the GBAJPB rezoned parcel no. 80.05225.00, along with five (5) other neighboring parcels from (R-2) Suburban Residential to (R-6) Multiple Family. The other five (5) parcels that were included in the rezone request were as follows: 03.00050.00; 03.00051.00; 03.00056.00; 03.00065.00; and 03.00050.04. Since the original rezone approval, 03.00065.00 has been combined with the subject parcel 80.05225.00; and all parcels within Bemidji Township have changed zoning due to Bemidji Township exiting the Greater Bemidji Area's Joint Power Agreement. At this time, JPB staff is unsure what the zoning is for the neighboring parcels, as Bemidji Township has not shared this information. These parcels are predominately single-family residential with a few vacant lots mixed in between.

On August 6th, 2018, the City of Bemidji adopted Ordinance No. 151, 3rd Series, annexing the subject property, parcel no. 80.06875.00, formally known as parcel no. 03.00050.00 from Bemidji Township. On October 15, 2018, the City adopted Ordinance No. 154, 3rd Series amending Ordinance 151 to include reimbursement from the City to the Township. Based upon review of Ordinance 151 and Ordinance 154, the Chief Administrative Law Judge officially approved the annexation on January 14th, 2019.

PLANNING CONSIDERATIONS

Rezoning parcels within a neighboring township that does not share its zoning information makes it quite difficult for future zoning needs. The JPB can only lean on the comprehensive plan (which does not go beyond the GBAJPB boundaries). Reviewing what is currently happening in the area, along with what the area is trending towards in regards to zoning, are the only useful tools the JPB can use at this time. The JPB will have to use its best judgement when it comes to rezoning when the parcels in question are surrounded by an adjacent township.

Existing Conditions & Current Zoning

Parcel 80.05225.00 – (no Address) – This parcel is currently a vacant parcel, approximately 16.1 acres (701,316 square feet) in size. The northern portion of this parcel, approximately 6.5 acres consists of wetlands according to the National Wetlands Inventory map. This wetland area is a natural barrier from the single-family residential neighborhood to the north (Arrowwood development). There is also currently a right-of-way and an easement for pipeline purposes that exist on the property. Enbridge Pipeline currently expands across a significant portion of the property, ultimately making that section non-buildable. This property is currently zoned (R-6) Multiple Family.

(R-6) Multiple Family Provide areas for multiple family residential development and compatible uses in both an urban and suburban setting.

Parcel 80.06875.00 – 189 Gerald Ln NW – This parcel has a single-family house located on the property that is currently being rented out. This parcel is approximately 2.42 acres (105,415 square feet) in size. As land is annexed into the City of Bemidji, it shall be zoned (R-1) Rural Residential until such time that the land may be rezoned under the procedures specified within the GBAJPB Ordinance.

(R-1) Rural Residential Provide areas of low density development and low intensity uses to preserve a predominantly rural residential character.

Adjacent Zoning and Land Use

The area surrounding this property to the East, West and the North is predominately single-family housing, with the zoning unknown due to it being under jurisdiction of Bemidji Township. As you transition to the east and west along Division Street W, the area starts to see commercial uses such as professional offices, dental clinics, retail, etc. The area to the direct south of the property is zoned (R-4) Moderate Density Residential, which encompasses the ISD #31 Bemidji High School.

Proposed Zoning

(B-2) General Commercial Provide areas for the placement of commercial establishments, including service, retail, and wholesale providers, and uses complimentary to such uses, in areas where central services are available.

Adverse effects on the surrounding neighborhoods are not anticipated with this rezone proposal as the area has been trending towards commercial or high density development. Any high intensity uses or major redevelopment of the area will require significant review.

Development Team: (Public Works/Engineering, GIS, Building & Fire Department)

There were no concerns from the Development Team regarding this rezone request to commercial.

Beltrami County Highway Department

Bruce Hasbargen, County Engineer stated that the County Highway Department has no concerns with the proposed zoning change request. The County would potentially look at entrance locations along with entrance widths at the time when development is being proposed.

Neighborhood Comment

At the time of writing this report, no neighborhood comments or concerns were received.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified this area within its future land use map as Commercial/Residential Mixed Use, which identifies the following land uses:

Retail or service businesses; high-density housing. May include vertical mixtures of land uses. The proportion of land use mixture is not mandated, but will be determined upon application review. This includes areas that are not fully developed and could transition into all commercial or all residential.

Current corresponding zoning districts for the future land use category Commercial/Residential Mixed Use are as follows: (R-6) Multiple Family; (B-1) Low Density Commercial; (B-2) General Commercial; (OM) Office/Medical; (U) University; and/or (LD) Lake Oriented Development.

Objective 4.1: Preserve the Quality Residential Neighborhoods

- 2. Promote “mixed-use” areas to improve the transition of residential land use to other land uses.** *Mixed-use areas can provide an excellent transition from residential areas to commercial or highly developed areas. Gradually intensifying the uses on the fringe of neighborhoods or along high-traffic corridors that have been traditionally residential will mitigate impact to existing neighborhoods.*

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

- 2. Identify areas where commercial and industrial uses should be located, specifically adjacent to highways with controlled access where noise, odor, dust, and glare will**

have minimal impact. When reviewing new commercial and industrial land uses, ensuring these areas are appropriate and compatible with opportunity to be successful. Piecemeal development of industrial and commercial land uses can increase urban sprawl and have negative impacts on existing, less intense surrounding land uses.

RECOMMENDATION

Staff recommends approval of a rezone for the two (2) properties along Division Street W to (B-2) General Commercial. The following properties included in the request are 80.05225.00, and 80.06875.00.

Board members had no comments.

Motion by Meehlhause, second by Erickson, to approve Ordinance No. 2019-01 approving a rezone for parcels 80.05225.00 and 80.06875.00, with the following findings of fact:

- 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 (B-2) General Commercial Zoning District. Properties along Division Street W have been trending towards lower density of commercial land use or a mixed use of commercial and residential for quite some time.
- 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. General Commercial land uses are compatible along Division Street W. This area has been historically residential; however, recently has transitioned from residential to commercial.
- 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. The ordinance requires that during development or redevelopment of property that sewer and water services are capable of serving the land use without adverse impacts on the public or environment. If a major development were to occur it would be served by City of Bemidji services as they are available off of Division Street W.
- 4. Whether the proposed amendment would correct an error in the application of this Ordinance.**
No. Both properties were rezoned from (R-2) Suburban Residential to (R-6) Multiple Family in September of 2008 to allow for high density residential or non-residential counseling/assistance centers. At this time, this area has continued to transition towards commercial with a mix of single-family.
- 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 traditionally single-family trending towards an increase in commercial activity in recent years, the continued growth of the Greater Bemidji Area is allowing the applicant the opportunity to increase commercial land use in an area that was previously zoned for multiple family, high density residential or non-residential such as counseling/assistance centers. The area is ripe for redevelopment due to several deteriorated vacant buildings, along with vacant land, and the new roundabouts helping with the flow of traffic.

Motion carried unanimously.

ORDINANCE 2019-02 – Amended 2019 GBAJPB Fee Schedule

RECOMMENDATION

Staff recommends approval, as supported by the Joint Planning Commission's decision during the March 28th meeting.

Board members had the following comments:

- Erickson questioned what will be used as a measuring tool for staff to decide if temporary storage shall become permanent. Staff reiterated that the ordinance requires an Interim Use Permit which is not a permanent permit because it runs with the applicant/owner and has an ending date or event which terminates the permit.
- Erickson asked staff why the city does not allow temporary storage units, per the ordinance. Staff explained that city tax is not collected for storage containers whereas it is collected when garages are built by permits. Also, these units are unsightly and are problematic in residential areas.
- Kelly compared the cost of an IUP (\$500) for one (1) year, to the cost of the Land Use Permit (\$325) which can be used for up to 90 days.
- Erickson questioned the outcome if an applicant were to be denied an IUP yet continued the use of storage units. Staff explained that legal action would be used with continual violators.
- Kelly stated that the Board needs to take two (2) actions with the information presented by staff. The first action is to decide on the Amended Fee Schedule, the next action is to decide on enforcement standards.
- Albrecht questioned the difference between temporary moveable storage structures and semi-trailers. Staff read aloud the ordinance as per Article X, Section 1011, Item G. Albrecht suggested broader discussion involving consultation, and stated that no one entity is being targeted, enforcements are already occurring as staff time allows.
- Kelly urged the approval of the amended fee schedule so as to encourage compliance from new businesses as well as to create a timeline for existing situations.
- Frenzel urged Board to be extremely clear with staff regarding next step of this process.
- Erickson questioned process for existing storage units. Staff's goal is to send a mass mailing communicating the change within the Greater Bemidji Area.
- Meehlhause suggested organizing a work group, comprised of local business owners and city officials that could craft a temporary storage permit which is unique to Bemidji.
- Albrecht questioned the difference of temporary storage fee schedule between residential and commercial uses. Staff explained that the fee calculation is the same for both, but commercial use requires an escrow.

Motion by Meehlhause, second by Erickson to form a work group which will discuss options for Temporary Storage Unit use, and to table the Amended 2019 Fee Schedule until the August 14th JPB meeting.

Motion carried unanimously.

OTHER BUSINESS

- Kelly announced that the Joint Powers Agreement committee has agreed upon the contribution amounts for the LGUs. A memo will be sent to summarize this agreement, and the draft renewal will be presented at the May 7th Joint LGU meeting.

DIRECTOR'S REPORT

Mai identified the upcoming planning cases, announced minimal change in development projects, and reminded the Board about the upcoming Joint LGU meeting which will be located at City Hall. An email will be sent for RSVPs.

UPCOMING MEETING DATES

April 25, 2019 -- JPC Regular Meeting @ 6:00 p.m.
May 7, 2019 -- Joint LGU Meeting @ 6:00 p.m.
May 8, 2019 -- JPB Regular Meeting @ 6:00 p.m.
May 23, 2019 -- JPC Regular Meeting @ 6:00 p.m.
June 12, 2019 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT

There being no further business, motion by Frenzel, second by Meehlhause, to adjourn the Joint Planning Board meeting at 7:14 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball
Planning Administrative Assistant

JPB Minutes Approved and attested by:



Joint Planning Board Representative