

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

Thursday, June 24, 2021
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, May 27, 2021 Regular Meeting**

NEW BUSINESS

- 1. Visitors** **Chair**

Public Hearings

- 1. City of Bemidji – V-21-80.04871.00 & 80.04872.00 – Douglas & Kim Williams** **NP**
- 2. City of Bemidji – ~~CUP-21-80.04944.00 – Hegna Properties, LLC~~ **Withdrawn**** **JC**
- 3. City of Bemidji – CUP-21-80.01958.00 & 80.01957.00 – Nameless Coalition** **JC**
- 4. City of Bemidji – IUP-21-80.05058.00 & 80.05059.00 – Sanford Behavioral Health** **NP**

OTHER BUSINESS

- 1. Director’s Report**
- 2. Upcoming Meetings** **Chair**
 - July 14, 2021 6:00 pm JPB Regular Meeting
 - July 22, 2021 6:00 pm JPC Regular Meeting
 - August 11, 2021 6:00 pm JPB Regular Meeting
 - August 26, 2021 6:00 pm JPC Regular Meeting
- 3. Adjourn** **Chair**

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

**June 24, 2021
6:00 p.m.**

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

CALL TO ORDER: Vice Chair Don Heinonen 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, Steffen, David, Faver.

MEMBERS ABSENT: Granlund, Gould, Smith.

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

OTHERS: Doug Williams, Kim Williams, Adam Steele, Reed Olson, Carl Sewall, Paul Nistler, Jay Coughenour, Emelie Rivera, Brian Smith, Lisa Frey.

APPROVAL OF AGENDA:

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

Motion carried.

APPROVAL OF MINUTES:

Motion by Faver, second by Steffen, to approve minutes from the May 27, 2021, Greater Bemidji Area Regular Joint Planning Commission as presented.

Motion carried.

VISITORS:

Adam Steele, of 189 Gemmel Ave SW, addressed the Commission. Steele expressed concern over the calendar parking ordinance. Steele had pictures to illustrate the issues of residents parking on the grass. Steele requested that the Commission consider recommending to the City Council to repeal the calendar parking requirements within the Ordinance.

NEW BUSINESS:

Public Hearings:

Phillips presented the first case:

PLANNING CASE – V-21-80.04871.00 & 80.04872.00 – DOUGLAS & KIM WILLIAMS

Doug & Kim Williams are seeking a variance in order to construct a new accessory structure consisting of a shop with a covered patio and attached garage on a lot located at 3345 River Park Ct NE within the City of Bemidji. This parcel lies within the (R-2) Suburban Residential Zoning District and Forested River Shore land Overlay. The requested variance is for an ordinary high water mark structure setback reduction from the required 150 feet per Section 901(D) to 123 feet. Staff noted that the legal non-conforming lot is currently recorded as two lots of record, however a combination request has been approved and filed with the County Recorder to join parcels 80.04871.00 and

80.04872.00, bringing the property closer to conforming size. Staff clarified that the requested setback from the OHWM is 123 feet as opposed to the 125 feet listed in the planning report. Staff noted that this was because the Application did not specify if the dimensions of the proposed structure were from the structure wall or from the drip edge.

RECOMMENDATION & FINDINGS

Staff recommends denial of requested OHWM variance in order to build the accessory structure at 3345 River Park Court NE. Denial recommended based on the following findings of fact.

Findings of Fact

1. Has the applicant demonstrated a practical difficulty?

No. The applicant has not provided sufficient evidence to show that alternate site plans or configurations could not work to meet the uses described while meeting existing setbacks. The addition of fill and replacement of sections of the existing driveway would allow for a smoother topographic transition into a garage meeting the required setbacks, however the applicant has stated that option to be unfavorable to the overall site plan. Staff believe that the difficulty arises from the owner's past choice in placement of the single family dwelling and driveway fills, and that the work needed to address the topographic relief issue represents an economic consideration, but that alone does not represent a practical difficulty.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

No. While this is a previously platted and developed lot of record within the shore land overlay, which limits available space on the lot to meet the required setbacks, the past variance allowing the dwelling at a 75' setback has allowed establishment of the primary use of the parcel without sacrificing all buildable areas available to the owner.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner. This proposal, if approved, would be required to provide mitigation for excess storm-water runoff.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This neighborhood has seen development on small lots within the allowed setbacks via past variances, and the existing structures to the south and north of the proposed structure are already set closer to the river than the 125 foot setback the applicant has proposed.

Public Hearing opened at 6:10 p.m.

- Doug Williams addressed the Commission and stated that they are requesting a 123 foot setback as opposed to the 125 foot setback noted in the planning report. Williams addressed that a proposed update to the size of the building will allow them to keep an oak tree on the property. Williams clarified that his sketches do not include the two foot soffit, and neither does the architectural drawing. Williams stated that their lot was platted in 1986. Williams addressed the storm water runoff on their property. Williams noted the low areas towards the back of their property for runoff.
- Kim Williams addressed the Commission and noted the locations of the septic and drain field and driveway and expressed that these locations were in accordance with current culture and regulations at the time their house was built in 1996. Williams noted responses to the City Staff's Findings of Facts and stated that raising the driveway will cause them to lose trees.
- Lemmer questioned the location of the house and the lack of side yard setbacks. Doug

Williams noted that City Staff had determined that there was no need for a side yard setback at the time the original variance was granted since they owned both parcels. Berg asked for clarification on the plan, and the Applicant identified that they no longer plan to build a retirement home on the second parcel. Williams noted again the potential loss of trees if they have to bring in fill to raise the driveway.

Public Hearing closed at 6:37 p.m.

Commission members had the following comments:

- Faver inquired as to the location of the neighboring structure. Staff addressed that they did not have a specific measurement, but it was likely around 100 feet.
- Commission members and Staff discussed the issues with the variance request and the potential for alternate sites on the property.

Motion by Faver, second by Steffen, to extend the 60-day rule for the OHWM variance in order to build the accessory structure at 3345 River Park Court NE to give Staff time to compile Findings of Facts for approval.

Ayes: Steffen, Faver, Berg.

Nays: Heinonen, Lemmer, David.

Abstentions: None.

Motion failed.

Motion by Lemmer, second by Berg, to deny OHWM variance in order to build the accessory structure at 3345 River Park Court NE. Denial recommended with the following findings of fact:

Findings

1. Has the applicant demonstrated a practical difficulty?

No. The applicant has not provided sufficient evidence to show that alternate site plans or configurations could not work to meet the uses described while meeting existing setbacks. The addition of fill and replacement of sections of the existing driveway would allow for a smoother topographic transition into a garage meeting the required setbacks, however the applicant has stated that option to be unfavorable to the overall site plan. Staff believe that the difficulty arises from the owner's past choice in placement of the single family dwelling and driveway fills, and that the work needed to address the topographic relief issue represents an economic consideration, but that alone does not represent a practical difficulty.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

No. While this is a previously platted and developed lot of record within the shore land overlay, which limits available space on the lot to meet the required setbacks, the past variance allowing the dwelling at a 75' setback has allowed establishment of the primary use of the parcel without sacrificing all buildable areas available to the owner.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner. This proposal, if approved, would be required to provide mitigation for excess storm-water runoff.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This neighborhood has seen development on small lots within the allowed setbacks via past

variances, and the existing structures to the south and north of the proposed structure are already set closer to the river than the 125 foot setback the applicant has proposed.

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

Motion failed.

Heinonen noted that the variance request from Doug and Kim Williams would go before the Joint Planning Board without a recommendation.

Heinonen noted that the next planning case on the agenda, CUP-2-21-80.04944.00 – Hegna Properties, LLC had been withdrawn.

Carlson presented the third case:

PLANNING CASE – CUP-21-80.01958.00 & 80.01957.00 – NAMELESS COALITION FOR THE HOMELESS

Reed Olson, representing - Nameless Coalition for the Homeless, is requesting approval of a conditional use permit (CUP) to operate a daytime drop-in center on two (2) parcels located at 722 15 St. NW. This request is to use the donated estimated 10,000 square feet facility (two-story) for a non-profit agency and partner agencies to connect agencies with their clients for services to gain stable life services. This property is zoned “R-6” Multiple Family District. This requested land use falls under Community Center per Section 302 of the GBAJPB Ordinance, and is allowed with an approved CUP. Staff addressed that there is some gravel on the property that will need to be converted to greenspace. Staff noted the hours of operation, and the need for trees on the site.

RECOMMENDATION & FINDINGS

Staff recommends approval of a Conditional Use Permit to allow Sanford - Nameless Coalition for the Homeless to operate a daytime drop-in center on two (2) parcels located at 722 15 St. NW in the R-6 Multiple Family Zoning District, with the following conditions and findings of fact.

Conditions

1. The CUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. Any additional signage must meet Section 710 of the JPB Ordinances and a permit must be granted if necessary before any additional signage is placed on site.
3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the JPB Ordinance.
4. The hours for the daytime drop-in center shall be 8 A.M. to 8 P.M., after hours shall not be permitted. JPB staff shall be informed if operation hours are to change.
5. If a change in type of services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
6. Shall remove the parking area to the southwest of the building by adding greenspace to that area, as well as, green space to the north end of the parking lot along the sidewalk within the front yard setback next to 15th St. NW.
7. The parking lot potholes shall be remedied and stripping added to define the parking spaces.
8. Trees shall be added to the front yard setback area.
9. The parcels (80.01957.00 & 80.01958.00) shall be combined into one lot of record.

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 proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. A community center is compatible with the current GBAJPB land use regulations. The former use of the property was a behavioral health clinic.

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 parcels will use its current parking lot for the services. Pedestrian foot traffic is anticipated to increase to this site.

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 property was being used as a behavioral clinic with no known adverse effects and is currently unoccupied. The subject parcel is appropriately zoned for the proposed use with approval of a CUP.

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.

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

Yes. The property has adequate public infrastructure and is served by city services.

Commission members had the following comments:

- Commission members had no comments.

Public Hearing opened at 6:55 p.m.

- The Applicant, Reed Olson addressed the Commission and noted that the Nameless Coalition runs the Wolfe Center located in downtown Bemidji. Olson noted that Sanford donated this building to them. Olson identified the needs in the community that this center would address.
- Berg inquired about transportation and screening. Olson addressed.
- Jay Coughenour noted that there is a fence located on the property.
- Emelie Rivera, of 725 17th St NW, noted that she serves on the board for the Nameless Coalition for the Homeless and also serves on City Council. Rivera noted that she lives near the property and has no concerns.

Public Hearing closed at 7:04 p.m.

Motion by Steffen, second by Faver, to approve a Conditional Use Permit to allow Sanford - Nameless Coalition for the Homeless to operate a daytime drop-in center on two (2) parcels located at 722 15 St. NW in the R-6 Multiple Family Zoning District, with the following conditions and findings of fact:

Conditions

1. The CUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. Any additional signage must meet Section 710 of the JPB Ordinances and a permit must be granted if necessary before any additional signage is placed on site.

3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the JPB Ordinance.
4. The hours for the daytime drop-in center shall be 8 A.M. to 8 P.M., after hours shall not be permitted. JPB staff shall be informed if operation hours are to change.
5. If a change in type of services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
6. Shall remove the parking area to the southwest of the building by adding greenspace to that area, as well as, green space to the north end of the parking lot along the sidewalk within the front yard setback next to 15th St. NW.
7. The parking lot potholes shall be remedied and stripping added to define the parking spaces.
8. Trees shall be added to the front yard setback area.
9. The parcels (80.01957.00 & 80.01958.00) shall be combined into one lot of record.

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 proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. A community center is compatible with the current GBAJPB land use regulations. The former use of the property was a behavioral health clinic.

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 parcels will use its current parking lot for the services. Pedestrian foot traffic is anticipated to increase to this site.

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 property was being used as a behavioral clinic with no known adverse effects and is currently unoccupied. The subject parcel is appropriately zoned for the proposed use with approval of a CUP.

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.

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

Yes. The property has adequate public infrastructure and is served by city services.

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

Nays: None.

Abstentions: None.

Motion carried.

Phillips presented the fourth case:

PLANNING CASE – IUP-21-80.05058.00 & 80.05059.00 – SANFORD BEHAVIORAL HEALTH

James Coughenour and Paul Nistler, representing Sanford Health, are resubmitting a request for approval of an Interim Use Permit (IUP) to provide psychiatric emergency services at property located on Hannah Ave. NW just north of the Prime West facility within the City of Bemidji. The facility will be in a new building that is yet to be constructed. This property is located in the OM

Office/Medical District and the Airport Zone C Overlay.

This project was previously discussed under planning case IUP-21-80.05058.00 & 80.05059.00, and was withdrawn before board decision due to a lack of information on the demographics of clientele. Staff noted that the facility will be located on two lots, and addressed the number of employees and number of beds. Staff addressed that the parking can be addressed in the Development Agreement.

RECOMMENDATION & FINDINGS

Staff recommends approval of an Interim Use Permit to allow Sanford Health to add emergency psychiatric services at the property located on Hannah Ave NW in the O/M Office/Medical Zoning District, within the City of Bemidji, with the following conditions and findings of fact.

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. If a change in type of emergency psychiatric services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
5. The developer/owner shall enter into a development agreement with the City of Bemidji & the JPB prior to construction.
6. The IUP shall be reviewed for compliance one (1) time upon six (6) months of operation by the JPB, the applicants shall participate in a review of the IUP.
7. 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

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 counseling service for emergency psychiatric services 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 an 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 will be connected to public infrastructure and will be served by city services.

Commission members had the following comments:

- Commission members had no comments.

Public Hearing opened at 7:08 p.m.

- Coughenour addressed the Commission and expounded on the services that will be provided by the facility.

Public Hearing closed at 7:11 p.m.

Motion by Steffen, second by David, to approve an Interim Use Permit to allow Sanford Health to add emergency psychiatric services at the property located on Hannah Ave NW in the O/M Office/Medical Zoning District, within the City of Bemidji, with the following conditions and findings of fact:

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. If a change in type of emergency psychiatric services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
5. The developer/owner shall enter into a development agreement with the City of Bemidji & the JPB prior to construction.
6. The IUP shall be reviewed for compliance one (1) time upon six (6) months of operation by the JPB, the applicants shall participate in a review of the IUP.
7. 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

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 counseling service for emergency psychiatric services 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 an

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 will be connected to public infrastructure and will be served by city services.

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

Nays: None.

Abstentions: None.

Motion carried.

DIRECTOR'S REPORT

Carlson provided updates on current developments as well as proposed cases.

UPCOMING MEETING DATES:

July 14, 2021	6:00 pm	JPB Regular Meeting
July 22, 2021	6:00 pm	JPC Regular Meeting
August 11, 2021	6:00 pm	JPB Regular Meeting
August 26, 2021	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Lemmer, second by Steffen, to adjourn the Regular Planning Commission meeting at 7:16 p.m.

Motion carried.

Respectfully submitted,



Ainslee Knudson
Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative