

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
Cisco Webex Video Conferencing / City Hall  
(For log in information <https://www.jpbgba.org/planning-actions>)

**Wednesday, February 10, 2021 REGULAR MEETING – 6:00 p.m.**

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

**A. MINUTES** **Chair**  
Approval of January 13, 2021 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 – Resolution No. 2021-03 –IUP-21-80.05058.00 & 80.05059.00 –  
Sanford Behavioral Health **JC**
  - 2. City of Bemidji – Resolution No. 2021-04 –IUP-21-80.02936.00 – Ideal Option **JC**

**E. OTHER BUSINESS**

**F. DIRECTOR’S REPORT** **JC**

- G. UPCOMING MEETINGS** **Chair**
- 1. February 25, 2021 6:00 pm JPC Regular Meeting
  - 2. March 10, 2021 6:00 pm JPB Regular Meeting
  - 3. March 25, 2021 6:00 pm JPC Regular Meeting
  - 4. April 14, 2021 6:00 pm JPB Regular Meeting

**H. ADJOURN** **Chair**

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**H. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**February 10, 2021**

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, February 10, 2021, at 6:00 p.m. Chair Frenzel called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Prince, Erickson, Peterson, Kelly, Frenzel

Members absent: None

Staff present: Jamin Carlson, Nick Phillips, Ainslee Knudson

Others in attendance: Chris Hamilton

Pledge of Allegiance was performed.

AGENDA

Motion by Erickson, second by Peterson, to approve the agenda.

Motion carried unanimously.

MINUTES

Motion by Kelly, second by Prince, to approve the January 13, 2021 minutes as presented.

Motion carried.

CONSENT AGENDA

- 1) Bills for the total amount of \$999.68 were presented for payment.

Motion by Erickson, second by Peterson, to approve the consent agenda.

Motion passed unanimously.

VISITORS

NEW BUSINESS

**RESOLUTION 2021-03 – IUP-21-80.5058.00 & 80.05059.00 – SANFORD BEHAVIORAL HEALTH**

Paul Nistler of Sanford Behavioral Health submitted a request prior to tonight's meeting to invoke the 60-day rule for the 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.

## **BOARD DISCUSSION**

Board members had the following comments:

- Carlson stated that the Applicant requested a 60-day extension as the Applicant would like more time to solidify and update their plans.
- Board members discussed questions they would like to ask the Applicant. Erickson inquired about the number of beds and the maximum length of stay. Prince inquired if this facility will conduct 72-hour holds.

Motion by Erickson, second by Prince, to approve a 60-day extension for an Interim Use Permit (IUP) to allow Sanford Health to add counseling services for property located at 1611 Anne St. NW within Northern Township in the B-1 Low Density Commercial District.

Ayes: Prince, Erickson, Peterson, Kelly, Frenzel

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

## **RESOLUTION 2021-04 – IUP-21-80.02936.00 – IDEAL OPTION**

Dread Pirate Properties, LLC representing Ideal Option, is requesting approval of an interim use permit (IUP) to provide opioid counseling (outpatient) services at property located at 119 Paul Bunyan Drive NW within the City of Bemidji. This property is located in the B-2 General Commercial District and the HWY 197 Overlay.

## **BACKGROUND**

The Applicant, Dread Pirates Properties LLC representing Ideal Option, has converted 2,400 square feet of the building for the facility within the multi-tenant building. It appears that there are 26 parking stalls on the site. The Applicant was granted a late submission as they stated they had not realized that the proposed use needed an IUP. The Applicant representative also stated that there would be no dispensing of medication at this site and 1,500 square feet of the newly renovated space would be for the patients.

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 10:00 p.m.

**Number of Employees:** 6

**Number of Clients:** 6

## **DISCUSSION/DEVELOPMENT ANALYSIS**

### **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 Office/Medical (OM) 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.

This property is surrounded by CVS, Northwoods Pregnancy Center, and BSU to the east; to the south is the old location of Dick's Northside along with a multi-tenant building and the cemetery; Med Express (now closed) to the direct north, and Hardees to the direct west. This use is allowed with an IUP in the B-2 General Commercial & 197 Overlay districts.

#### **Parking and Traffic**

Section 1009 of the Ordinance requires that parking be based on three (3) spaces per examination or treatment rooms. This site shows approximately 26 parking spaces for all the tenants of the building.

#### **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**

A dumpster with an enclosure was identified on site complying with Section 1002 of 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."*

#### **Neighboring Property Owner input**

At the time of writing the report, one neighborhood input was obtained and in opposition to the request and the letter is attached to the packet.

#### **Comprehensive Plan References**

The proposed use to provide opioid counseling services in the (B-2) 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 B-2 General Commercial District  
Section 1002 – Exterior Storage and Outdoor Display of Merchandise  
Section 1009 – Parking Standards

### **RECOMMENDATION & FINDINGS**

JPC and Staff recommend approval of an Interim Use Permit (IUP) to allow Ideal Option to provide opioid counseling (outpatient) services at property located at 119 Paul Bunyan Drive NW within the City of Bemidji.

Approval recommended with the following findings of fact and conditions:

### **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. The hours for behavior health services shall be from 8 A.M. to 10 P.M. JPB staff shall be informed if hours of operation are to change.
5. If a change in type of opioid counseling 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. 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.
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 - 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. An opioid 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 opioid 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.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Erickson inquired about the proposed number of clients. Hamilton identified that the proposed number is the potential number of clients in the building at one time and does not indicate the total number of clients served per day.
- Prince asked for clarification on the medications. Hamilton explained that the medications are prescribed. Erickson asked whether or not medication was administered onsite. Hamilton contacted associate to confirm.
- Board members discussed the neighbor response letter that staff received.
- Frenzel inquired about parking and if there is a written agreement with Hardees. Carlson clarified that it is a verbal agreement. Carlson noted that there is adequate parking, and the parking on Hardees property is above and beyond what is needed.
- Prince inquired about the breakdown of telehealth treatment versus in-person treatment.
- Board members asked for clarification on the telehealth process.
- In response to the question regarding medication, Hamilton stated that Vivitrol is an opioid antagonist, not a controlled substance, and it is administered onsite, but not stored onsite.
- Hamilton acknowledged that Ideal Option is doing a lot of telehealth due to COVID, and his assumption is that most of their clients have been served via telemedicine this past year.

Motion by Erickson, second by Kelly, to approve Resolution 2021-04 for an Interim Use Permit (IUP) to allow Ideal Option to provide opioid counseling (outpatient) services at property located at 119 Paul Bunyan Drive NW 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.
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informed if hours of operation are to change.

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

Ayes: Prince, Erickson, Peterson, Kelly, Frenzel

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

### **OTHER BUSINESS**

Frenzel inquired about the VRBO ordinance update. Carlson stated that research will likely need to be done to update this proposed ordinance change. The complete Ordinance update was



delayed due to COVID and change to the ordinance regarding VRBOs could be added to that. Frenzel confirmed that he would like to see this topic put back on the agenda.

DIRECTOR'S REPORT

Carlson introduced new staff members, described the upcoming planning cases, year-to-date activity, as well as new and on-going development projects.

UPCOMING MEETING DATES

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ADJOURNMENT

There being no further business, motion by Kelly, second by Peterson, to adjourn the Joint Planning Board meeting at 6:32 p.m.

Motion carried unanimously.

Respectfully submitted,



Ainslee Knudson  
Planning & Building Administrative Assistant

JPB Minutes Approved and attested by:



Joint Planning Board Representative