

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
City Hall Council Chambers/Webex
(For log in information <https://www.jpbgba.org/planning-actions>)
Wednesday, November 10, 2021 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of October 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. 2021-21 – CUP/IUP-21-80.00427.00 – Rohde’s Feed & Garden **JC**
2. City of Bemidji – Resolution No. 2021-22 – CUP-21-80.05689.00 – Dollar General **NP**

E. OTHER BUSINESS

1. Resolution No. 2021-24 – Northern Rides CUP Amendment **NP**

F. DIRECTOR’S REPORT **JC**

G. UPCOMING MEETINGS **Chair**

- | | | |
|----------------------|----------|-----------------------|
| 1. November 16, 2021 | 5:30 pm | Joint LGU Meeting |
| 2. November 18, 2021 | 6:00 pm | JPC Regular Meeting |
| 3. December 2, 2021 | 10:00 am | Informational Meeting |
| 4. December 8, 2021 | 6:00 pm | JPB Regular Meeting |
| 5. December 16, 2021 | 6:00 pm | JPC Regular Meeting |
| 6. January 12, 2022 | 6:00 pm | JPB Regular Meeting |

H. ADJOURN **Chair**

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GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
November 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, November 10, 2021, at 6:00 p.m. Chair Jess Frenzel called the meeting to order and roll call was taken.

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

Members absent: None.

Staff present: Jamin Carlson, Ainslee Krause, Nick Phillips.

Others in attendance: Nate Mathews.

Pledge of Allegiance was performed.

AGENDA

Motion by Prince, second by Thayer, to approve the agenda.

Kelly requested to discuss items not on the agenda. Kelly requested to add items to the agenda for discussion, including additional upcoming meetings and the proposed budget. Members agreed to add items to the agenda.

Chair Frenzel called the vote. Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$11,130.90 were presented for payment.

Motion by Kelly, second by Prince, to approve the consent agenda.

Staff discussed items to note in the budget.

Motion carried unanimously.

MINUTES

Motion by Peterson, second by Thayer, to approve the October 13, 2021 minutes as presented.

Motion carried unanimously.

VISITORS

No Visitors

NEW BUSINESS

RESOLUTION 2021-21 – CUP/IUP-21-80.00427.00 – RHODE’S FEED & GARDEN

Rohde Properties LLC is requesting a conditional use permit (CUP) for a new expanded location for Rohde’s Feed & Garden, General Retail Store (Large greater than 10,000 sq. ft.) and an interim use permit (IUP) for a farmer’s market, in the B-2 General Commercial District & Hwy 197

Overlay located on a vacant parcel (PID 80.00427.00) just north of Arrow Printing off of Washington Ave S in the City of Bemidji.

Rohde Properties LLC currently has a purchase agreement in place to purchase this vacant parcel located at TBD Washington Ave S., in-between Arrow Printing and Aunt Ellie's Attic. The Applicant plans to build a new building approximately twelve-thousand (12,000) square feet of gross floor area with 8,400 square feet for the retail and 3,600 for the seed area. Currently, Rohde's Feed & Garden is located at 405 Railroad St. SW just over the bridge off of Irvine Ave NW next to the rail corridor. The subject parcel is 5.7 acres in size and will be connected to City services. Per Section 302 of the Greater Bemidji Area Zoning & Subdivision Ordinance, general retail stores larger than ten-thousand (10,000) square feet in size are allowed in (B-2) General Commercial zoning district through the issuance of a conditional use permit (CUP) and a farmer's market is required to obtain an interim use permit (IUP) also in the B-2 zoning district that will run with the current landowner that will cease with transfer of property.

The applicant will need to abide by parking and landscaping standards. A letter from MNDOT was received as a late submission. The letter communicated that MNDOT would like to see the access moved further to the south to line up with the access across the road. Feedback from the City Public Works and Fire Department was referenced, along with a statement from the owner/applicant, Joel Rohde, all of which was included in the packet.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of a conditional use permit (CUP) for a new expanded location for Rohde's Feed & Garden, General Retail Store (Large greater than 10,000 sq. ft.) and an interim use permit (IUP) for a farmer's market, in the B-2 General Commercial District & Hwy 197 Overlay located on a vacant parcel (PID 80.00427.00) just north of Arrow Printing off of Washington Ave S in the City of Bemidji. Approval recommended with the following conditions and findings of fact:

Conditions for CUP:

1. 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.
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. All signage needs to meet Sections 712 & 717 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
4. All dumpsters on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
5. The developer/owner shall enter into a development agreement with the City of Bemidji & the JPB 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. A landscaping plan with a total of at least 7 trees planted in the front yard setback shall be submitted for final approval to JPB staff.
8. A sign permit shall be obtained prior to installation of any new signage.
9. The CUP 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.

Conditions for IUP:

1. All parking for the farmer's market shall be located on the subject parcel's parking lot and there shall be no parking on Hwy 197 or adjacent streets.
2. The farmer's market shall follow a designated schedule for times and days of the week.
3. Any temporary signage shall follow Section 712 of the Ordinance.
4. The IUP 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 for 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. A general retail store greater than 10,000 sq. ft. conforms to the zoning regulations as permitted CUP use in the (B-2) General Commercial Zoning District & 197 Overlay. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial and multi-family areas.
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 as this business will be located off of Washington Ave S/Hwy 197. The site will have adequate off-street parking and the ingress and egress to and from the site is a 32 foot wide access in the middle of the parcel.
3. **Whether the proposed use adversely affects property in the surrounding area.**
No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a general retail store is within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.
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 Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Yes. The property will have adequate infrastructure and will be served by City services.

Findings of Fact for 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. A farmer's market conforms to the zoning regulations as permitted IUP use in the (B-2) General Commercial Zoning District & 197 Overlay. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial and multi-family areas.
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 farmer's market will be located off of Washington Ave S/Hwy 197. The site will have adequate off-street parking and the ingress and egress to and from the site has adequate access in the middle of the parcel.
3. **Whether the proposed use adversely affects property in the surrounding area.**
No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a farmer's market as this is within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.
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 Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved IUP.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Yes. The property will have adequate infrastructure and will be served by City services.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Frenzel and staff discussed the city owned property behind the subject property.
- Thayer inquired about the farmers market. Rohde addressed the Board and reiterated plans for the farmers market.

Motion by Prince, second by Thayer, to approve Resolution 2021-21 to approve a conditional use permit (CUP) for a new expanded location for Rohde's Feed & Garden, General Retail Store (Large greater than 10,000 sq. ft.) and an interim use permit (IUP) for a farmer's market, located on a vacant parcel (PID 80.00427.00) on Washington Ave S in the City of Bemidji with the findings of facts and conditions as presented.

Ayes: Frenzel, Kelly, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

RESOLUTION 2021-22 – CUP-21-80.05689.00 – DOLLAR GENERAL

The applicant, The Overland Group LLC (Represented by Rodney Parrott of Overland Engineering), is seeking a conditional use permit (CUP) to construct a general retail store larger than 10,000 square feet at TBD Division Street W within the City of Bemidji, parcel 80.05689.00.

The Overland Group LLC currently has a purchase agreement in place with Merritt Hougard to purchase this vacant parcel located at TBD Division Street W, next to existing (B1) Low Density Commercial lots owned by Hougard and DDB Properties LLC. Those neighboring lots are non-conforming mixed-use parcels, with residential rental units. The Overland Group plans to build a new building, approximately ten thousand six-hundred forty (10,640) square feet of gross floor area.

The proposed plan includes thirty-nine (39) parking spaces. The applicant will need a permit from the Beltrami County highway department along with an erosion control approved by the City Public Works department. Staff addressed that the lighting and landscaping would also need to meet ordinance standards. No significant increases in traffic are expected.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of a conditional use permit (CUP) to construct a general retail store larger than 10,000 square feet at TBD Division Street W within the City of Bemidji, parcel 80.05689.00, with the following conditions and findings of fact:

Conditions

1. The developer/owner shall enter into a development agreement with the JPB prior to construction.
2. Final building plans will need to be approved by the City Building Department, JPB staff, and Bemidji Fire Department, and all necessary permits shall be obtained prior to construction.
3. 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.
4. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
5. All dumpsters on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. The CUP 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. A general retail store use conforms to the zoning regulations as a permitted CUP in the (B-1) Low Density Commercial Zoning District. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial areas, however the existing non-conforming residential uses on those lots could be negatively impacted due to increased traffic and noise from the use. Mitigating this potential disruption is the density of existing and proposed tree plantings on the site, which would act as a visual and noise barrier between the proposed business and neighboring structures.

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 as this building is along an existing high traffic corridor. The site will have adequate off-street parking and the ingress and egress to and from the site shall meet all local government requirements.

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

No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a general retail store is within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.

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 Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP.

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

Yes. The property will have adequate infrastructure and will be served by City Water and Sewer.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Thayer and Frenzel inquired as to the surrounding properties. Staff clarified.
- Thayer and Staff discussed traffic and the approach.
- Thayer inquired as to the appearance of the business. Staff addressed.

Motion by Prince, second by Peterson, to approve Resolution 2021-22 for approval of a conditional use permit (CUP) to construct a general retail store larger than 10,000 square feet at TBD Division Street W within the City of Bemidji, parcel 80.05689.00, with the conditions and findings of fact as presented.

Ayes: Frenzel, Kelly, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

RESOLUTION 2021-24 – Amendment to CUP-21-31.02727.00 – NORTHERN RIDES

Brian Shaw, of Northern Rides, is requesting an amendment to their conditional use permit ("CUP") #CU06-04 to increase the maximum number of vehicles allowed onsite and outdoors awaiting service from ten to twenty-nine at the Northern Rides repair shop located in Northern Township, at 516 Centerpoint Ct NW, parcel 31.02727.00.

Staff addressed that a parking review had been completed and it was found that there is space for twenty-nine (29) vehicles on the existing improved parking surface.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of an amended conditional use permit ("CUP") #CU06-04 to increase the maximum number of vehicles allowed onsite and outdoors awaiting service from ten to

twenty-nine at the Northern Rides repair shop located at 516 Centerpoint CT NW, parcel 31.02727.00, with the following conditions and findings of fact:

Conditions:

1. Any new dumpsters brought on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance. Existing dumpsters must fit entirely with their enclosures, or the enclosures must be expanded to completely encircle said dumpsters.
2. Parking lot striping must be applied to act as a traffic control measure and to prevent customers from cutting across parking stalls or parking on the required greenspace. Curbing or other deterrents shall be installed in areas where striping proves insufficient.
3. Landscaping must meet Section 1006 of the Ordinance. Tree planting along Centerpoint CT NW shall be accomplished as soon as practicable following the minimum spacing per that section.
4. This CUP shall be subject to a six (6) month review and annually thereafter to insure compliance with the Ordinance as well as protecting and preserving the natural environment. If staff observes violations or continued vehicular parking issues, they shall warrant a review and it will be brought to the Joint Planning Board for further action.

Findings of Fact:

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

No. The Applicant has operated the business in this location for a number of years, and has shown, outside of adequate parking space, no adverse effects from the business operation have been realized in the surrounding area.

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

No. The Applicant has submitted a plan to redirect and store vehicles within the property rather than allowing parking to extend out into the right-of-way and roadway, and has made some improvement to the front of the property to bring it into conformity with zoning requirements.

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

No. The Applicant plans to utilize existing space on the property to store and park customer vehicles while removing the encroachment on required greenspace and side-lot lines.

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

Yes. The proposed use of a repair service is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the B-1 Low Density Commercial Zoning Districts, with the issuance of the original conditional use permit. The Applicant's amended site plan directs parking away from greenspace to ensure adherence to the goal of the plan.

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

Yes. The subject property has appropriate water and sewer services, and the parking lot is sloped towards the south property line where stormwater directs all run-off to the retention area and wetland on the south of property.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Frenzel inquired as to the trash enclosure. Staff clarified that applicant is aware that the enclosure must be enlarged and enclosed.
- Frenzel inquired as to exterior storage. Staff noted that there is a condition on their existing CUP that addresses this.
- Thayer inquired as to the timeline. Staff noted that the striping on the parking lot would likely be completed next summer (summer 2022).

Motion by Kelly, second by Peterson, to approve Resolution 2021-24 for approval of an amended conditional use permit (CUP) #CU06-04 to increase the maximum number of vehicles allowed onsite and outdoors awaiting service from ten to twenty-nine at the Northern Rides repair shop located at 516 Centerpoint CT NW, parcel 31.02727.00, with the conditions and findings of fact as presented.

Ayes: Frenzel, Kelly, Prince, Thayer, Peterson.

Nays: None.

Motion carried unanimously.

Budget Discussion:

Kelly noted that the LGU’s must approve the budget before the Joint Planning Board could approve the budget. Kelly addressed the need for a subcommittee to sit down and review the budget as it has happened in the past. Staff addressed that the City Finance Director would have to give direction as to what would need to be done for a delay in approving the budget. Kelly and Frenzel addressed that they would represent Northern Township at the budget subcommittee meeting. Prince and Thayer volunteered to be the two City representatives on the subcommittee.

Township concerns over properties:

Kelly noted concern over properties and expressed desire for staff to continue to review cases.

Meetings:

Kelly expressed concern over Joint Powers Board Staff attending meetings and the potential for that being a conflict of interest.

Mathews addressed that City Staff had plans to attend the scheduled meeting to inform and educate on zoning, not to attend as representatives of the Joint Planning Board.

Staff and board members discussed the upcoming meeting.

Kelly noted the need for staff to attend the meeting to answer questions and not push an agenda.

DIRECTOR’S REPORT

Carlson described year-to-date activity as well as completed, current and upcoming development projects. Carlson noted the upcoming planning case, and the informational meeting scheduled from 10:00 am to 12:30 pm on Tuesday, December 2, 2021 in Council Chambers at City Hall. Phillips addressed the current status of Ruttgers. Frenzel inquired about Acorn Ridge. Members and staff discussed. Carlson addressed enforcement issues. Thayer addressed a parking issue within the City of Bemidji. Staff noted that they are working with the landlord of the property.

UPCOMING MEETING DATES

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Frenzel noted a desire for the Joint Planning Board compliance inspector and site analyst to attend the Joint Planning Board meetings. Carlson noted that Fahrenbruch does attend other meetings during the week so staff is trying to keep a balanced workload. Staff addressed that Fahrenbruch's schedule could be reevaluated.

Staff and board members discussed subcommittee meeting. Carlson will send out a Doodle poll.

ADJOURNMENT

There being no further business, motion by Kelly, second by Peterson, to adjourn the Joint Planning Board meeting at 7:06 p.m. Motion carried.

Respectfully submitted,



Ainslee Krause
 Planning & Building Administrative Assistant

JPB Minutes approved and attested by:



Joint Planning Board Representative