

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

**Wednesday, June 9, 2021 REGULAR MEETING – 6:00 p.m.**

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

**A. MINUTES** **Chair**  
Approval of May 12, 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. 2021-11 –CUP-21-80.04944.00 Amendment– Hegna Properties, LLC **JC**
2. Ordinance No. 2021-02 - Short-term Vacation Rentals **NP**
3. Ordinance No. 2021-03 - Cul-de-sac Definition **NP**
4. Ordinance No. 2021-04 - Section 402 – Porch Definition & Front Yard Setbacks **NP**
5. Ordinance No. 2021-05 - SSTS Definitions **NP**
6. Ordinance No. 2021-06 - Drive-thru Standards **JC**

**E. OTHER BUSINESS**

**F. DIRECTOR’S REPORT** **JC**

**G. ENFORCEMENT UPDATE** **NP**

**H. UPCOMING MEETINGS** **Chair**

1. June 16, 2021                      5:30 pm                      Joint LGU Meeting
2. June 24, 2021                      6:00 pm                      JPC Regular Meeting
3. July 14, 2021                      6:00 pm                      JPB Regular Meeting
4. July 22, 2021                      6:00 pm                      JPC Regular Meeting
5. August 11, 2021                    6:00 pm                      JPB Regular Meeting

**I. ADJOURN** **Chair**

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**City Hall Council Chambers/Webex**  
(For log in information <https://www.jpbgba.org/planning-actions>)  
Wednesday, July 14, 2021 REGULAR MEETING – 6:00 p.m.

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

**A. MINUTES** **Chair**  
Approval of June 9, 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. 2021-12 –V-21-80.04871.00 & 80.04872.00 - Williams **NP**
2. ~~Withdrawn: City of Bemidji – CUP-2-21-80.04944.00 – Hegna Properties, LLC~~ **JC**
3. City of Bemidji – Resolution No. 2021-13 – CUP-21-80.01958.00 & 80.01957.00 – Nameless Coalition **JC**
4. City of Bemidji – Resolution No. 2021-14 – IUP-21-80.05058.00 & 80.05059.00 – Sanford Behavioral Health **NP**

**E. OLD BUSINESS**

1. Ordinance 2021-02 Short Term Vacation Rentals

**F. OTHER BUSINESS**

1. Joint Planning Board Ad hoc committee

**G. DIRECTOR’S REPORT** **JC**

**H. ENFORCEMENT UPDATE** **NP/MF**

**I. UPCOMING MEETINGS** **Chair**

- |                      |         |                     |
|----------------------|---------|---------------------|
| 1. July 22, 2021     | 6:00 pm | JPC Regular Meeting |
| 2. August 11, 2021   | 6:00 pm | JPB Regular Meeting |
| 3. August 26, 2021   | 6:00 pm | JPC Regular Meeting |
| 4. September 8, 2021 | 6:00 pm | JPB Regular Meeting |

**J. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**June 9, 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, June 9, 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:

Pledge of Allegiance was performed.

AGENDA

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

Motion carried unanimously.

MINUTES

Motion by Peterson, second by Erickson, to approve the May 12, 2021 minutes as presented.

Motion carried.

CONSENT AGENDA

- 1) Bills for the total amount of \$21,231.49 were presented for payment.

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

Motion passed unanimously.

VISITORS

Mark Lindy, owner of old Dick's Northside, addressed the Board, and communicated that he had a signed contract for the sale of his property, the new owner was doing their due diligence and decided to cancel the sale. Lindy conveyed that he had email correspondence from MNDOT that the cost of a roundabout would outweigh the safety benefits and Lindy voiced his frustrations.

Lindy addressed that according to state statute, a joint powers board needs to have equal representation and he feels that the Board in current standing does not.

Peterson addressed that an Applicant on the agenda, Wes Hegna, is his cousin, and stated that he has no personal or financial gain from voting on the Applicant's case. The other Board members addressed that they will leave it up to Peterson whether or not he feels voting would be a conflict of interest. Peterson confirmed he would be voting on the case.

## **NEW BUSINESS**

### **RESOLUTION 2021-11 – CUP-21-80.04944.00 AMENDMENT – HEGNA PROPERTIES, LLC**

Hegna Properties, LLC is requesting an amendment to a previously approved Conditional Use Permit (CUP-20-80.04944.00) to install a drive-thru for a new restaurant onto the north side of the existing multi-tenant building located at 1008 Paul Bunyan Dr NW, parcel 80.04944.00. This parcel is located in the (B-2) General Commercial Zoning District and the Trunk Highway 197 Overlay District.

### **BACKGROUND**

The Applicant met with JPB staff to discuss amending his approved CUP administratively and the possibility of making changes to the approved site plan. The Applicant wanted to work within the 20% administrative margins, but was unable to do so. This is why there is a need for the CUP amendment at the commission & board level. Minnesota Department of Transportation (MnDOT) was contacted about the proposed entrance to be moved to the east and the MnDOT team met and discussed and have sent a letter stating they are okay with the access move, but prefer the original approved CUP. The original letter is in the packet. In the new site plan, the patio space has decreased and the greenspace has increased in that area, along with the possibility of a decorative wall to protect patrons. The amended site plan does improve the conflict of parking stalls 19 & 20. Carlson noted that within this approved CUP, the sign setback would be met. MNDOT has given its preliminary approval, although there are additional requirements that they have noted in their response letter.

### **RECOMMENDATION & FINDINGS**

JPC and Staff recommend approval for the amended CUP. The original approved CUP plan did address some of the traffic and parking on adjacent streets and land, however the design for the parking lot could have had potential issues with parking and maneuvering conflicts. The amended site plan showed some improvements for the subject property by creating a more linear drive-thru and keeping some of the needed parking stalls and increased greenspace in the front-yard setback; however, the ingress and egress from the Highway could still be an issue. Per Section 102 of the Ordinance, the JPB's responsibility to promote the beneficial and safe interaction between the use of land, buildings, and people for the circulation of vehicular, bicycles, and pedestrian traffic, including active transportation and complete streets, throughout the Greater Bemidji Area. Staff addressed that there are additional conditions, #4-#7, and changes to the findings.

### **RECOMMENDATION FOR APPROVAL**

Approval is recommended with the following conditions based on the findings of fact:

#### **Conditions**

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. 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.
3. A sign permit shall be obtained prior to moving the existing freestanding sign or the installation of any new signage and must comply with Section 712 of the Ordinance. All

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 raised curb with internal greenspace shall be installed on the ends of parking stalls #55 and #22 to act as a traffic calming measure and to prevent customers from cutting across parking stalls to enter the drive- thru.
5. The queue area may not interfere with other on-site circulation and parking facilities.
6. The resulting driveway relocation will require a driveway easement be legally recorded at the County Courthouse. MnDOT will need a copy of the recorded easement prior to issuing the permit to construct in its right of way.
7. The existing driveway will be eliminated, and the new driveway will be constructed to MnDOT standards.
8. The Applicant shall install permanent signage to keep vehicles from blocking the entrance or ROW.
9. If egress agreement is terminated with the property owner to the west, then the CUP shall be brought back to the JPB Board for redesign of the drive-thru.
10. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance.
11. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
12. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil.
13. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
14. 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 vehicular stacking issues shall warrant a review and it will be brought to the Joint Planning Board for further action.
15. The CUP shall expire and become void if the drive-thru 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 drive-thru 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 Applicant has made a reasonable effort to redirect drive-thru traffic to stack within the property rather than to extend out into the right-of-way and has made some improvement to the front of the property with the access moving to the east. The stacking issue that occurs on the neighboring property has already been in existence and this proposed use should have no additional contribution to that matter. This CUP amendment does address some of the adverse effects from the original CUP.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property and to modify the shared entrance off of Hwy 197 and move it to the east. The Applicant has an agreement in place with the property owner to the west pending CUP approval, for allowing the drive-thru customers to exit through their lot utilizing the bank's drive-thru exit lane. The shared

access with the property owner to the east will have some traffic mitigation measures installed to help calm and slowdown traffic as it enters the two properties.

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

No. The Applicant plans to redesign the entrance to slowdown traffic as it enters the subject property. Both the properties to the east and west have existing drive-thru windows, so the subject property proposing to install a drive-thru window will fit within the nature of the neighborhood.

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

Yes. The proposed use of a drive-thru restaurant is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the B-2 General Commercial Zoning Districts with the issuance of a conditional use permit. The Applicant's amended site plan directs customer stacking away from the Highway to ensure that appropriate and compatible with opportunity to be successful.

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

Yes. The subject property is connected to City water and sewer services and the parking lot is sloped towards the east property line where a cement gutter runs south to a stormwater drain that directs all run-off to retention area on the neighbor's property.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Prince inquired about the historical data and when that was compiled. Staff addressed that it was from when the Applicant started his business.
- Kelly inquired about greenspace and parking. Staff confirmed that the neighboring property will lose 1 space to the North, but will gain back 8 spaces compared to the previously approved CUP. Kelly expressed concern over the stacking space. Kelly expressed concern over the additional proposed drive-thru to the south of the property.
- Board members discussed MNDOT's comments on the site plans.
- Erickson inquired as to the main purpose for the amendment. Staff identified that it was because of the parking issues with the approved Site Plan under the first CUP.
- Wes Hegna, the Applicant, addressed the Board and expressed that MNDOT was originally not in favor of moving the accesses. Hegna identified that his North location has been open for eight years and his South location has been open for twelve years.
- Pat DeMarchi, owner of neighboring property, addressed the Board and stated that he is not in favor of losing the parking in the northeast corner.
- Frenzel inquired which plan DeMarchi is in favor of. DeMarchi identified that he is not in favor of Site Plan 2.
- Frenzel asked for clarification from Staff. Staff addressed that the Applicant will have to make up for whatever greenspace is lost.
- Kelly addressed the Board. Board members concurred that discussion should be limited to what is on the agenda.
- Frenzel requested a motion.

Motion by Erickson, second by Prince, to approve Resolution 2021-11 for an amendment to a previously approved Conditional Use Permit (CUP-20-80.04944.00) to install a drive-thru for a new restaurant onto the north side of the existing multi-tenant building located at 1008 Paul Bunyan Dr NW, with the following conditions and findings of facts:

## Conditions

1. All existing and proposed exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. 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.
3. A sign permit shall be obtained prior to moving the existing freestanding sign or the installation of any new signage and must comply with Section 712 of the Ordinance. All 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 raised curb with internal greenspace shall be installed on the ends of parking stalls #55 and #22 to act as a traffic calming measure and to prevent customers from cutting across parking stalls to enter the drive- thru.
5. The queue area may not interfere with other on-site circulation and parking facilities.
6. The resulting driveway relocation will require a driveway easement be legally recorded at the County Courthouse. MnDOT will need a copy of the recorded easement prior to issuing the permit to construct in its right of way.
7. The existing driveway will be eliminated, and the new driveway will be constructed to MnDOT standards.
8. The Applicant shall install permanent signage to keep vehicles from blocking the entrance or ROW.
9. If egress agreement is terminated with the property owner to the west, then the CUP shall be brought back to the JPB Board for redesign of the drive-thru.
10. A final landscaping plan with size, type and location of trees to be planted throughout the property shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance.
11. All proper permits shall be obtained prior to construction, including a building, demolition, and mechanical permit from the City of Bemidji.
12. An erosion control permit shall be obtained with the proper mitigation installed prior to disturbance of soil.
13. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.
14. 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 vehicular stacking issues shall warrant a review and it will be brought to the Joint Planning Board for further action.
15. The CUP shall expire and become void if the drive-thru 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 drive-thru 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 Applicant has made a reasonable effort to redirect drive-thru traffic to stack within the property rather than to extend out into the right-of-way and has made some improvement to the front of the property with the access moving to the east. The stacking issue that occurs on the neighboring property has already been in existence and this proposed use should have no additional contribution

to that matter. This CUP amendment does address some of the adverse effects from the original CUP.

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

No. The Applicant is planning to use existing entrances for ingress and egress from the property and to modify the shared entrance off of Hwy 197 and move it to the east. The Applicant has an agreement in place with the property owner to the west pending CUP approval, for allowing the drive-thru customers to exit through their lot utilizing the bank's drive-thru exit lane. The shared access with the property owner to the east will have some traffic mitigation measures installed to help calm and slowdown traffic as it enters the two properties.

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

No. The Applicant plans to redesign the entrance to slowdown traffic as it enters the subject property. Both the properties to the east and west have existing drive-thru windows, so the subject property proposing to install a drive-thru window will fit within the nature of the neighborhood.

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

Yes. The proposed use of a drive-thru restaurant is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance in the B-2 General Commercial Zoning Districts with the issuance of a conditional use permit. The Applicant's amended site plan directs customer stacking away from the Highway to ensure that appropriate and compatible with opportunity to be successful.

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

Yes. The subject property is connected to City water and sewer services and the parking lot is sloped towards the east property line where a cement gutter runs south to a stormwater drain that directs all run-off to retention area on the neighbor's property.

Ayes: Frenzel, Peterson, Erickson, Prince

Nays: Kelly

Absent: None

Abstentions: None

Motion carried unanimously.

**ORDINANCE NO. 2021-02 – SHORT-TERM VACATION RENTALS**

Staff presented the proposed ordinance amendments to the Commission. Phillips referenced the changes to the previously proposed ordinance amendment, and the requirements within the updated proposed ordinance amendment.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Kelly asked for clarification. Staff confirmed that this proposed ordinance amendment was posted for the public, and there was a Public Hearing at the Joint Planning Commission meeting on May 27, 2021.
- Kelly and Staff discussed the public comments received by Staff and the Commission.
- Erickson addressed that if the public has concerns, they can take their concerns to Beltrami County as well.
- Erickson expressed concern over the additional burden on Staff to enforce.



- Prince expressed support for enforcing the Ordinance, whether the prohibition is lifted or not. Prince, Peterson, and Erickson expressed concern over the minimum of one night in the proposed ordinance amendment.
- Frenzel inquired as to Staff's recommendation. Staff confirmed that the original proposed amendment included a three-night minimum based on Staff's research.
- Prince addressed enforcement.
- Erickson inquired as to who collects lodging tax. Staff clarified that the VRBO and Airbnb websites collect lodging tax, and the Ordinance will require reporting of lodging tax.
- Peterson clarified that the individuals pay either the City of Bemidji or Northern Township depending on where the property is located.
- Frenzel inquired if Staff found the requirement for lodging tax in other ordinances that they researched. Staff confirmed that they had found that requirement in other city's ordinances.
- Staff addressed that the individuals will be required to obtain an Interim Use Permit, and a Short Term Vacation Rental Permit.

Motion by Frenzel to approve Ordinance No. 2021-02, with a three-day minimum stay.

No second.

Motion failed.

**ORDINANCE NO. 2021-03 – CUL-DE-SAC DEFINITION**

Staff presented the proposed ordinance amendment to the Board and discussed the amendment to the cul-de-sac definition.

**BOARD DISCUSSION AND DECISION**

Board members had no comments.

Motion by Kelly, second by Erickson, to approve Ordinance No. 2021-03.

Ayes: Frenzel, Kelly, Peterson, Erickson, Prince

Nays: None

Absent: None

Abstentions: None

Motion carried.

**ORDINANCE NO. 2021-04 – PORCH DEFINITION & FRONT YARD SETBACKS**

Staff presented the proposed ordinance amendment to the Board and discussed the proposed ordinance amendment to the front yard setback and the proposed addition of the porch definition.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Kelly requested clarification on the proposed amendment. Staff clarified.

Motion by Erickson, second by Kelly, to approve proposed Option 2, Ordinance No. 2021-04.

Ayes: Frenzel, Kelly, Peterson, Erickson, Prince

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

**ORDINANCE NO. 2021-05 – SSTS DEFINITIONS**

Staff presented the proposed amendment to the Board to update the SSTS definitions within the Ordinance.

**BOARD DISCUSSION AND DECISION**

Board members had no comments.

Motion by Erickson, second by Prince, to approve Ordinance No. 2021-05.

Ayes: Frenzel, Kelly, Peterson, Erickson, Prince

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

**ORDINANCE NO. 2021-06 – DRIVE-THRU STANDARDS**

Staff described the proposed ordinance amendment regarding drive-through standards. Staff addressed that the current regulations for a drive-through is a Conditional Use Permit with no specific drive-through standards. Staff clarified that JPC and Staff recommended Option 2.

**BOARD DISCUSSION AND DECISION**

Board members had the following comments:

- Board members discussed the options presented by Staff.

Motion by Prince second by Peterson to approve Option 2, Ordinance No. 2021-06.

Ayes: Frenzel, Kelly, Peterson, Erickson, Prince

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

Motion by Kelly to repeal Short-Term Vacation Rental Prohibition. Second by Erickson.

**BOARD DISCUSSION & DECISION**

Board members had the following comments:

- Staff requested clarification on the motion. Kelly clarified that his motion was to repeal the prohibition on short term vacation rentals, and did not include anything regarding the definition of a short term vacation rental.
- Prince expressed concern over this option not going to the Public Hearing at a Commission meeting.

Ayes: Kelly, Erickson

Nays: Frenzel, Peterson, Prince

Absent: None

Abstentions: None

Motion failed.

**Additional comments:**

- Board and Staff discussed next steps.
- Board discussed and decided that additional time was needed to research and review the packet.

OTHER BUSINESS

Staff addressed that the LGU meeting next week on Wednesday, June 16<sup>th</sup> will start at 6:00 pm with dinner served at 5:30 pm.

DIRECTOR'S REPORT

Carlson described year-to-date activity as well as completed, current and upcoming development projects. Carlson addressed the status of Ruttger's.

Phillips introduced Melissa Fahrenbruch, and described current enforcement issues. Prince inquired about the trailer parks in violation of the Ordinance. Staff confirmed that citations will be going out to 3 of the 4 trailer parks that are in violation. Frenzel asked for clarification on rental issues. Staff addressed and described the citation process at the Board's request.

UPCOMING MEETING DATES

June 16, 2021	5:30 pm	Joint LGU Meeting
June 24, 2021	6:00 pm	JPC Regular Meeting
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

ADJOURNMENT


There being no further business, motion by Peterson, second by Erickson, to adjourn the Joint Planning Board meeting at 7:50 p.m.

Motion carried unanimously.

Respectfully submitted,



Ainslee Knudson  
Planning & Building Administrative Assistant

JPB Minutes Approved and attested by:  \_\_\_\_\_  
Joint Planning Board Representative