

AMP Bemidji LLC - Extension Request for Conditional Use Permit and Variance

Draft Resolutions

CITY OF BEMIDJI PLANNING BOARD

**Resolution No. 2025-07
Revision to Resolution No. 2024-02**

**RESOLUTION APPROVING AN EXTENSION FOR VARIANCES
FOR PARCEL 80.03017.00**

WHEREAS, an application was submitted on January 31, 2024, by John Odom, representing AMP Bemidji LLC, requesting multiple variances in order construct and operate a Drive Through Restaurant located at 1718 Paul Bunyan Dr NW (PIN#800301700) in the City of Bemidji. The following variances are as follows:

- a. For lot size less than three (3) acres in Airport Zone B;
- b. For the site population to exceed the site acreage maximum in Airport Zone B;

WHEREAS, the proposed requested variances will be located on parcel 80.03017.00 legally described as SECT-05 TWP-146 RANGE-033 PINE RIDGE ADDITION TO BEMIDJI LOT-009 BLOCK-003; and

WHEREAS, the Property is zoned (B-2) General Commercial, is in the Hwy 197 Overlay District and the Airport Zone B Overly District; and

WHEREAS, the requested variances meet all requirements, standards and specifications of the City of Bemidji, Development Code; and

WHEREAS, the Planning Commission held a public hearing on February 22, 2024, to review the application for Variances following mailed and published notices as required by law; and

WHEREAS, the City of Bemidji Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

1. Has the applicant demonstrated a practical difficulty?

Yes. A practical difficulty exists as the current, previously built upon, non-conforming lot in the Bemidji Airport Overlay district cannot be used in a reasonable manner due to the Airport Zoning B restrictions. No increases in site population density can be permitted without approval of a variance.

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

Yes. A practical difficulty exists as this lot is existing, previously built upon, non-conforming lot in the Bemidji Airport Overlay district. This area of Bemidji is the main commercial district with valuable property that cannot be used in a reasonable manner. No increases in site population density can be permitted without approval of a variance.

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. The underlying zoning is B-2 General Commercial along Paul Bunyan Drive NW, which requires a minimum lot size of 7,500 square feet. The Airport Overlay District requires a lot to be no less than three (3) acres and would not allow any use that generates a site population no greater than fifteen (15) persons per acre within Zone B. The Applicant is seeking to increase the site population to be able to use the property for an allowed use. The distance from the centerline of the airport runway is approximately 584' from the closest part of the building and more than a mile from the end of the runway.

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

Yes. Although the Airport Overlay district does not support a more intense use by right, the City of Bemidji established several standards to be reviewed in a variance proceeding, economic benefit and providing alternative crash zones within the city. The site is currently developed as a meat processing and retail store. The Applicant is seeking to change to another compatible use that would generate a higher site population density than currently exists. This variance will not alter the essential

character of the area as the lot is already developed. With the additional requirements for enhanced landscaping, the site will be redeveloped to match or exceed the surrounding parcels.

NOW, THEREFORE BE IT RESOLVED that the City of Bemidji Planning Board hereby grants the approval of multiple variances in order to construct and operate a Drive Through Restaurant located at 1718 Paul Bunyan Dr NW (PIN#800301700) in the City of Bemidji, with the following conditions:

1. A building permit and all other necessary permits shall be obtained from the City of Bemidji prior to construction.
2. All existing and proposed exterior lighting on the property shall be in full conformity with Section 28-408 of the development code.
3. Any 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 28-402 of the development code.
4. An enhanced landscaping plan complying with Section 28-406 & 28-407 of the development code.
5. A sign permit shall be obtained prior to any new or additional signs being erected on the properties per Section 28-252 & 28-257 of the code.
6. Any redevelopment of the proposed parcel will require final engineering plans to be submitted for approval by City staff and MNDOT staff before any construction can commence, this includes grading, drainage, stormwater and utility plans from a licensed engineer.
7. An erosion control plan shall be submitted and be in place before any construction commences on the property.
8. A development agreement shall be entered into between the City and Applicant to ensure all site construction is completed to a satisfactory condition.
9. The variance shall expire and become void if the project 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 project are mostly complete. The City of Bemidji Planning Board may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

NOW, THEREFORE BE IT RESOLVED that the City of Bemidji Planning Board hereby grants the approval of an extension for the approval of multiple variances in order to construct and operate a Drive Through Restaurant located at 1718 Paul Bunyan Dr NW (PIN#800301700) in the City of Bemidji.

CITY OF BEMIDJI, PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this 10th day of March, 2025 by Audrey Thayer, Planning Board Chair.

Audrey Thayer, Planning Board Chair

Subscribed and sworn to before me
this ____th day of _____, 2025.

Notary Public

DRAFT

Applicant Signature and Date

DRAFT

CITY OF BEMIDJI, PLANNING BOARD

Resolution No. 2025-08

Revision to Resolution No. 2024-03

**RESOLUTION APPROVING AN EXTENSION FOR A
CONDITIONAL USE PERMIT FOR PARCEL 80.03017.00**

WHEREAS, John Odom representing AMP Bemidji LLC (“Applicant”), submitted an application to the City of Bemidji Planning Board (City) on January 31st, 2024 requesting approval of a conditional use permit (“CUP”) to construct and operate a drive-through restaurant (Dairy Queen) and removal of high-quality significant trees beyond the base minimum landscape standard on parcel 80.03017.00 located at 1718 Paul Bunyan Dr NW within the City of Bemidji;

WHEREAS, the requested Conditional Use Permit is for parcel 80.030173.00, legally described as SECT-05 TWP-146 RANGE-033 PINE RIDGE ADDITION TO BEMIDJI LOT-009 BLOCK-003; and

WHEREAS, the Property is zoned and located within the B-2 General Commercial District with Highway 197 Overlay District and Airport Zone B Overlay District; and

WHEREAS, the requested Conditional Use Permit meets all requirements, standards and specifications of the City of Bemidji Development Code; and

WHEREAS, the Planning Commission held a public hearing on February 22nd, 2024, to review the application for a Conditional Use Permit following mailed and published noticed as required by law; and

WHEREAS, the City of Bemidji Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the Applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Conditional Use Permit application request:

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 Drive Through Restaurant 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 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 Paul Bunyan Dr NW/Hwy 197 & 24th St NW. The site will have adequate off-street parking and ingress and egress.

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 Drive Through Restaurant 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 City of Bemidji Comprehensive Plan as well as the City Development Code 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.

NOW, THEREFORE BE IT RESOLVED that the Planning Board hereby grants the approval of a Conditional Use Permit (CUP) to construct and operate a drive-through restaurant (Dairy Queen) and removal of high-quality significant trees beyond the base minimum landscape standard on parcel 80.03017.00 located at 1718 Paul Bunyan Dr NW within the City of Bemidji, with the following conditions:

1. A building permit and all other necessary permits shall be obtained from the City of Bemidji prior to construction.
2. All existing and proposed exterior lighting on the property shall be in full conformity with Section 28-408 of the development code.
3. Any 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 28-402 of the development code.
4. An enhanced landscaping plan complying with Section 28-406 & 28-407 of the development code.
5. A sign permit shall be obtained prior to any new or additional signs being erected on the properties per Section 28-252 & 28-257 of the code.
6. Any redevelopment of the proposed parcel will require final engineering plans to be submitted for approval by City staff and MNDOT staff before any construction can commence, this includes grading, drainage, stormwater, and utility plans from a licensed engineer.
7. An erosion control plan shall be submitted and be in place before any construction commences on the property.
8. A development agreement shall be entered into between the City and Applicant to ensure all site construction is completed to a satisfactory condition.
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 City of Bemidji Planning Board may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

NOW, THEREFORE BE IT RESOLVED that the City of Bemidji Planning Board hereby grants the approval of an extension for a Conditional Use Permit (CUP) to construct and operate a drive-through restaurant (Dairy Queen) and removal of high-quality significant trees beyond the base minimum landscape standard on parcel 80.03017.00 located at 1718 Paul Bunyan Dr NW within the City of Bemidji.

CITY OF BEMIDJI, PLANNING BOARD
State of Minnesota
County of Beltrami

This instrument was acknowledged before me on this 10th day of March 2025 by Audrey Thayer, Planning Board Chair.

Audrey Thayer, Planning Board Chair

Subscribed and sworn to before me
this ____th day of _____, 2025.

Notary Public

Applicant Signature and Date

DRAFT