

AGENDA
GREATER BEMIDJI AREA JOINT PLANNING BOARD
317 4th Street NW

Wednesday, May 10, 2017 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of April 12, 2017 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. NEW BUSINESS

- 1. **Northern Township** --V-17-31.00329.00 – Schouten (**withdrawn**) **CB**
- 2. **City of Bemidji** – **Resolution 2017-11 & Resolution 2017-12-** CUP/PUD-17-80.05081.00 – Sanford Medical **CM**
- 3. **City of Bemidji** – **Resolution No. 2017-13 -** IUP-17-80.01105.00 – UMMHC A.C.T. **CB**
- 4. **City of Bemidji** – **Resolution No. 2017-14 -** V-17-80.02699.00 – Ross Walters **CB**
- 5. **City of Bemidji** – **Resolution No. 2017-15 -** V-17-80.03308.01 – Tim Orton Properties, LLC **CM**

D. OTHER BUSINESS

- 1. GBAJPB Zoning & Subdivision Ordinance and Map Amendment – Discussion

E. VISITORS **Chair**

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

- 1. May 25, 2017 6:00 pm JPC Regular Meeting
- 2. June 14, 2017 6:00 pm JPB Regular Meeting
- 3. June 22, 2017 6:00 pm JPC Regular Meeting
- 4. July 12, 2017 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
May 10, 2017

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, May 10, 2017, at 6:00 p.m. in City Hall. Chair Kelly presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Kelly, Frenzel, Meehlhause, Larson (alternate)

Members absent: Johnson, Erickson (utilized alternate)

Staff present: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

Others in attendance: Paul Nistler, Jeff Orvedal, Ross Walters, Sharon Swanson, Frank Orton, Nate Mathews

Pledge of Allegiance was performed.

AGENDA

Motion by Albrecht, second by Meelhause to approve the agenda as presented.

Motion carried unanimously.

MINUTES

Motion by Meehlhause, second by Larson to approve the April 12, 2017 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$15,058.58 (Check No. 2095-2104) were presented for payment.

Motion by Albrecht, second by Frenzel to approve consent agenda as presented.

Motion passed unanimously.

NEW BUSINESS

NORTHERN TOWNSHIP – V-17-31.00329.00 – SCHOUTEN

Staff located an approved variance for said parcel from 2011. Applicant withdrew current application. No action necessary from board.

RESOLUTION NO. 2017-11 & RESOLUTION NO. 2017-12 – CUP/PUD-17-80.05081.00 – SANFORD MEDICAL

Applicant is requesting approval of a Planned Unit Development (PUD) for their medical campus located at 1300 Anne Street NW. This primary parcel of the campus is 80.05081.00 located in the Office/Medical (OM) Zoning District. Additional parcels as part of the application include: 80.00469.00, 80.00470.01, 80.04727.00, 80.04728.00, 80.04729.00, 80.04730.00, 80.04731.00, 80.04732.00, 80.04733.00, 80.04734.00, 80.04735.00, 80.04735.01, 80.04736.00, 80.04737.00, and 80.04738.00.

BACKGROUND

On March 8th, 2017 a Concept PUD was approved by the Joint Planning Board. The applicant has addressed the requests of the JPC/JPB and is requesting final approval for PUD.

Representatives of Sanford Health have expressed that three (3) to five (5) years is all they feel comfortable being able to masterplan for in this current development. It is also a reality that a lot can change in the next five (5) years, so Sanford officials have decided to only have the Cancer Center addition and some additional parking approved at this time. All substantial additions beyond the Cancer Center to the Sanford campus will require a major amendment to the PUD, which will require approval by the JPC/JPB.

PLANNING CONSIDERATIONS

Public Safety Concerns

No concerns were received from the Bemidji Police Department. The Fire Chief has indicated no concerns with the closure of the two entrances off of Anne Street. The parking lot connection will allow for fire access around the campus.

Building Department

No concerns have been identified with this request. Architectural plans will need to be submitted and approved prior issuing a building permit for phase I.

GIS/911 Addressing

The following comments were provided by Beltrami County GIS/911 services: Because all affected parcels are located within the boundaries of the City of Bemidji, City GIS Coordinator, will be responsible for address assignment within this area.

Neighborhood Comment

At this time of writing the report, no neighborhood comment or concern was addressed to staff.

Comprehensive Plan

A compact campus environment while still preserving green space is in conformity with the goals and policies of the Greater Bemidji Area Land Use Plan. A Planned Unit Development is encouraged for the Sanford Medical Campus.

RECOMMENDATION

JPB staff recommends approval for a Planned Unit Development Preliminary and Final Plat and Conditional Use Permit for the primary parcel of the campus 80.05081.00 located in the Office/Medical (OM) Zoning District. Additional parcels as part of the application include: 80.00469.00, 80.00470.01, 80.04727.00, 80.04728.00, 80.04729.00, 80.04730.00, 80.04731.00, 80.04732.00, 80.04733.00, 80.04734.00, 80.04735.00, 80.04735.01, 80.04736.00, 80.04737.00, and 80.04738.00:

Planned Unit Development / Final Plat Conditions:

1. The final plat shall be recorded with Beltrami County within six months of approval by the JPB.
2. The signed Development Agreement between the Applicant and the JPB shall be recorded against all parcels within the PUD boundary.
3. An amendment to the PUD is required for any future development on site.
4. A final landscaping plan with the quantity and location of each type of tree shall be submitted for approval to JPB staff prior to a building permit being issued for phase I.

Conditional Use Permit Conditions:

1. All lighting shall remain in compliance with the JPB Zoning Ordinance, per Section 1008.
2. A site safety plan shall be submitted for JPB staff review with final engineering plans for each phase of the project.
3. A sign permit shall be obtained from JPB staff prior to the installation of any signs on phase I.
4. All dumpsters located on site shall be fully enclosed with a secure gate per Section 1002 of the JPB Zoning Ordinance.
5. Both access driveways off of Anne Street NW shall be removed per the phase II landscaping plans prior to the phase completion. The Developer shall reconstruct the access driveways to match the existing grade of the surrounding landscape, removing all existing pavement, grading to match with topsoil and grass seed. The Developer is responsible for obtaining all permits and permissions that may be required from the applicable road authority.

6. Final architectural plans will need to be submitted and approved by the City Building Official prior to a building permit being issued for phase I.
7. Final engineering plans will need to be submitted and approved by the City Engineer prior to the Building Official issuing a building permit for phase I.
8. Phase II of development shall be completed within six months of occupancy of the cancer center. An extension may be granted if construction is not finished prior to winter.
9. A landscape escrow in the amount of \$10,000 and a performance standard escrow in the amount of \$5,000 shall be submitted to the JPB prior to the issuance of a city building permit.

Board members had the following concerns:

- Albrecht asked if any public infrastructure is to be constructed. Staff explained there will only be utility hook ups to existing units and grading will be done along Anne Street. Albrecht questioned if there will be a new driveway off 34th. Staff said there would not be as two are already in existence. Further, Albrecht commented on Development Agreement and lack of viewing by city staff. Staff assured that all was suggested and approved by legal counsel. Albrecht asked if stormwater plan is approved by the city engineer, which staff affirmed. Also questioned driveway permit for curb cut. Staff currently working with engineer and applicant's consultant. Albrecht asked about developer providing As Builts for utilities. Staff explained legal counsel approves As Builts not being part of development agreement as they will be done before final approval. Finally, Albrecht suggested approval of development agreement pending review by city staff, making sure to make any amendments before signing.
- Discussion between Kelly and Albrecht about board approval of the development agreement. Albrecht questioned Phase II which includes parking in SW corner, wondering if it will be only for construction purposes or will become current lot. Further questioned if gravel will be reseeded with grass and commented on concern with reducing wind erosion and suggested a six month stipulation. Kelly asked for verification that 16 lots will be combined into one, which staff affirmed.

Motion by Albrecht, second by Meehlhause to approve Resolution No. 2017-11 revoking prior CUP at 1300 Anne St. NW with conditions:

1. All conditional use permits issued prior to May 10, 2017 for the Property located at 1300 Anne Street NW, Bemidji, Minnesota, and legally described in Exhibit A to this Resolution, are hereby revoked. All such Prior CUPs are no longer valid and may not be relied on to support any particular use of the Property.
2. The Planning Assistant is hereby authorized and directed to record this Resolution against the Property in the office of the County Registrar of Titles.

3. The JPB Chair, JPB Members, and staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Motion carried unanimously.

Motion by Albrecht, second by Frenzel to approve Resolution No. 2017-12 for the CUP Preliminary and Final Planned Unit Development for parcels 80.05081.00, 80.00469.00, 80.00470.01, 80.04727.00, 80.04728.00, 80.04729.00, 80.04730.00, 80.04731.00, 80.04732.00, 80.04733.00, 80.04734.00, 80.04735.00, 80.04735.01, 80.04736.00, 80.04737.00, and 80.04738.00 with findings, conditions and approval of plat:

Planned Unit Development / Final Plat Findings:

1. The development is a permitted use.
2. A Development Agreement for Phase I and Phase II will be executed between the Applicant and the JPB after approval of CUP/PUD.
3. The final plat can be properly recorded with Beltrami County.
4. The plat and planned unit development meet the requirements of the GBAJPB Zoning and Subdivision Ordinance.
5. Existing amenities provided meet the requirements of the zoning ordinance to allow flexibility from the zoning ordinance.
6. A landscaping plan has been provided and is meeting the requirements per the zoning and subdivision ordinance.

CUP Findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;**
The area is currently and will continue to be zoned (OM) office/medical. The office/medical district is defined as to "Provide areas for the placement of medical and professional office uses and compatible commercial uses." The proposed uses within the PUD all fit and are allowed within this zoning district.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;**
The existing roadway system is adequate to handle the proposed PUD amendment request and shall not adversely affect traffic conditions and/or parking on adjacent streets and land. With the closure of two existing accesses off of Anne Street NW, this shall improve the safety of transportation and decrease the traffic congestion.
3. **Whether the proposed use adversely affects property in the surrounding area;**
Surrounding land use is not expected to be adversely affected as it includes mostly office/medical as well as low density commercial.

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

This development is in conformity with the goals and policies for office/medical in accordance with the Greater Bemidji Area Land Use Plan. Planned Unit Development is encouraged in these areas to create a compact campus environment to help preserve open space.

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

The property currently has adequate public infrastructure and is served by city services. Engineering and grading plans have been submitted and approved by City Engineer. Final plans will be submitted.

PUD/CUP conditions:

- a. The Property contains approximately 69.55 acres;
- b. The Property is located within the Office/Medical (OM) District and the development is a permitted use;
- c. Pursuant to Article XI, Section 1101.E of the Ordinance, a PUD must be approved through the issuance of a conditional use permit, including the associated procedures and requirements;
- d. A Development Agreement for Phase I and Phase II will be executed between the Applicant and the JPB after approval of PUD and the Plat;
- e. The PUD and Plat meet the requirements of the Ordinance;
- f. Existing amenities provided meet the requirements of the Ordinance to allow the flexibility requested by the Applicant from the Ordinance;
- g. The requested PUD and Plat may be processed and approved as part of the same resolution, but the Applicant is required to satisfy the requirements of the Ordinance with respect to preliminary and final approvals of each request;
- h. The planning report prepared by JPB staff for the requested final approvals is hereby incorporated herein by reference including, but not limited to, the background and findings;
- i. The Planning Commission conducted a public hearing concerning the Applicant's requested approvals on April 27, 2017 and forwarded the application to the JPB with a recommendation that they be approved with certain conditions; and
- j. The JPB finds that the proposed PUD and Plat satisfy the requirements of the Ordinance.
- k. The Development, including the parking, shall be constructed in accordance with the approved plans.
- l. All lighting shall remain in compliance with Section 1008 of the Ordinance and all other applicable provisions.
- m. A site safety plan shall be submitted for JPB staff review with final engineering plans for each phase of the Development.

- n. A sign permit shall be obtained from JPB staff prior to the installation of any signs requiring a permit under the Ordinance.
- o. All dumpsters located on site shall be fully enclosed with a secure gate as required by Section 1002 of the Ordinance.
- p. Both access driveways off of Anne Street NW shall be removed per the Phase II landscaping plans prior to the phase completion. The Applicant shall reconstruct the access driveways to match the existing grade of the surrounding landscape, removing all existing pavement, grading to match with topsoil and grass seed. The Applicant is responsible for obtaining all permits and permissions that may be required from the applicable road authority.
- q. Final architectural plans shall be submitted and approved by the City Building Official prior to a building permit being issued for the Development.
- r. Final engineering plans will need to be submitted and approved by the City Engineer prior to the Building Official issuing a building permit for the Development.
- s. Phase II of development shall be completed within six months of occupancy of the Cancer Center. An extension may be granted if construction is not finished prior to winter.
- t. All landscaping shall be installed in accordance with the approved landscaping plan.
- u. A landscape escrow in the amount of \$10,000 and a performance standard escrow in the amount of \$5,000 shall be submitted to the JPB prior to the issuance of a city building permit.
- v. The signed Development Agreement between the Applicant and the JPB shall be recorded against all parcels within the Plat.
- w. An amendment to the PUD is required for any future development on site.
- x. A final landscaping plan with the quantity and location of each type of tree shall be submitted for approval to JPB staff prior to a building permit being issued for Phase I.
- y. The Applicant shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and obtain such other permits and permissions as may be required, in the construction of the Development.
- z. A failure by the JPB to take action with respect to any violation of any condition, covenant or term of this PUD shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term. The Applicant shall correct all defects on the Property that violate any of these conditions immediately, but in no case more than 30 days of receipt of written notice from the JPB.
- aa. The JPB may inspect the Property at all reasonable times for purposes of ensuring compliance with the conditions of this PUD.
- bb. This PUD and its conditions are binding on the parties, their successors and assigns, and shall run with the Property, and shall not in any way be affected by

the subsequent sale, lease, or other change from current ownership. The obligations of the Applicant under this PUD shall also be the obligations of the current and any subsequent owners of the Property.

- cc. This conditional use permit approving a PUD supersedes and replaces any other conditional use permits previously issued for this Property and all such previous conditional use permits shall be repealed by the JPB by separate action.
- dd. Utilization of the Property for any of the uses allowed by this PUD shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the PUD without qualification, reservation, or exception.
- ee. Any alteration or expansion of the Development beyond the current proposal for the PUD, or the alteration of any plans submitted related to the Development, shall not be allowed unless an amendment to the PUD is obtained from the JPB.

Plat condition:

- a. The final Plat shall be recorded with Beltrami County within six months of approval by the JPB

Motion carried unanimously.

RESOLUTION NO. 2017-13– IUP-17-80.01105.00– UMMHC A.C.T.

Upper Mississippi Mental Health Center (UMMHC) is requesting an Interim Use Permit (IUP) in order to open an Assertive Community Treatment (ACT) facility to be located at 116 3rd St NW in the (UR) Urban Renaissance district of the City. This request falls under Counseling Land Use per Section 302 of the GBAJPB Ordinance, and is allowed with an approved IUP.

BACKGROUND:

The UMMHC ACT program currently operates at 408 Beltrami Ave NW, in accordance with an IUP approved by the JPB on July 13th, 2016. JPB staff have conducted the six month review of this property and found it to be operating satisfactory and within all conditions for approval.

PLANNING CONSIDERATIONS:

Fire / Engineering / Police / Building Department

No concerns were identified by the Fire Department, Public Works Department, Police Department or Building Department.

Parking and Traffic Circulation

Per GBAJPB code the (UR) district is exempt of all parking requirements. However staff feels employees should be using current downtown city parking lots, and refrain from using on-street parking.

Signage

No signage plan has been presented to JPB staff.

Any new signage will require a sign permit through the GBAJPB. The applicant has expressed interest in a window sign. Per the GBAJPB ordinance window signs that are not accessory to a permitted sign will still require a permit.

Comprehensive Plan References

The proposed use to provide counseling services in the district (UR) district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

Neighboring Property Owner Input

Staff has received no comments or concerns regarding the proposal.

RECOMMENDATION:

Staff recommends approval of the Interim Use Permit for Upper Mississippi Mental Health Center to open an Assertive Community Treatment (ACT) facility to be located at 116 3rd St NW in the (UR) Urban Renaissance district of the City of Bemidji, with the following 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 as may be determined by the JPB Staff.
2. UMMHC full-time staff must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 5 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If staff feel there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
5. If a change in type of counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff feel a change or intensification warrants review it will be brought to the Joint Planning Board for a review.

Board members had the following concerns:

- Kelly asked if current location will be closed. Staff said it would. Applicant expects to open new location July 1.
- Frenzel questioned if there have been any issues since first operation began six months ago. Staff stated the IUP inspection review was complete and all conditions were met.

Motion by Frenzel, second by Meehlhause to approve Resolution No. 2017-13 for an IUP at parcel 80.01105.00 with conditions and findings:

1. The IUP 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. UMMHC full-time staff must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 5 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If staff feel there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
5. If a change in type of counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff feel a change or intensification warrants review it will be brought to the Joint Planning Board for a review.

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 primary concern for the location of mental health therapy facilities is assurance that the facility will not create an unreasonable level of disruption or interference to the surrounding property owners. The UMMHC intends to primarily operate as an out-patient facility with office space for employees, and on-site counseling hours are regulated to ensure the proper staff is present.

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

No. No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.

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

No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. 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 use is consistent with the goals and policies of the JPB Land Use Plan. Per the GBAJPB Zoning Ordinance, mental health counseling clinics are allowed pursuant the issuance of an Interim Use

Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

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

Yes. The location is serviced by centralized services.

Motion carried unanimously.

RESOLUTION NO. 2017-14- V-17-80.02699.00 – ROSS WALTERS

Ross Walters authorized agent for Gordon and Eleanore Walters is requesting a variance of (10.1') from right-of-way of other roads and a (7.2') variance of side yard setback to expand a structure on a substandard lot in the (R-4) Moderate Density Zoning District of the City of Bemidji and within the Shoreland Overlay. Located at 602 Woodland Ave SW on the north side of Lake Irving.

BACKGROUND

Applicant is requesting approval to construct a garage and improved entryway with room for utilities within the shoreland overlay. The applicant would like to update the property to be more suited towards year-round living in Minnesota.

PLANNING CONSIDERATIONS

This lot does meet the dimensional standards of the (R-4) Residential District, but does not meet the shoreland requirements for General Development Lakes. This lot does not meet minimum size requirements for substandard lots in the shoreland overlay nor can the enlargement and expansion meet all other current zoning standards.

Existing Conditions

This is generally an old neighborhood built in the early 1980's that has been platted by (2) two different subdivisions at (2) two different times. The west boundary of the Walters property is the line where both plats come together making the line difficult to accurately identify. The (2) two property owners do agree that the current surveyed line is accurate.

The subdivision also has platted ROW that is no longer used by the Woodland Ave and does not have city utilities in it. With the complexity of the platted ROW, JPB staff feel the likelihood of a vacation to alleviate the issue is unlikely or not possible.

Properties adjacent in this neighborhood all have attached garages or detached accessory structures.

Properties along Woodland Ave that have been constructed are nearly all nonconforming structures in accordance with our current regulations. Whether it be from rear, side, or OWHL encroachment is common for this neighborhood.

JPB staff anticipate that this lakeshore neighborhood will maintain its same character as properties continue to be updated, repaired and maintained as allowed by current zoning ordinance regulation.

The current property does meet all of OWHL setbacks from Lake Irving and all expansion is planned to be away from the OWHL.

The current layout of the house has the entryway on the east side and bedrooms on the west side.

Rear Yard / Public ROW Setback

Typical ROW in the city encroaches (10) ten feet to (15) fifteen feet from the edge of the road or curb. In this case the ROW extends (21) twenty-one to (23) twenty-three feet approximately into the ROW. Under typical circumstances the necessity for a variance from rear yard or public ROW could be reduced or unnecessary.

Side Yard Setback

The existing house has been built within the current side yard setback on the west side, but is meeting the side yard setback on the east side as this still provides access to the front of the structure for emergencies or other necessities. The house has been constructed in a manner that limits the ability for the addition of a detached garage to be placed inside the setbacks. The garage is being attached to the house where a bedroom is currently located, so the entry way can remain in the same place and increase space for indoor utilities. A shed that is currently encroaching in the side yard setback will also be removed and replaced with a shed meeting setback requirements.

Impervious Surface / Drainage

The proposed impervious surface is 28% as the requirement is no greater than 25% without providing increased stormwater mitigation. A large portion of roof water is proposed to be drained from the addition across the driveway and into a shallow swale. In a large rain event this swale may overflow with water directed towards Lake Irving. The proposed plan will be an improvement to the site and allow for any increase in stormwater to infiltrate into the ground before reaching other properties or Lake Irving. This is also to mitigate any potential runoff issues created by increased impervious surface within the side yard setback.

Fire Department

The fire department had no concerns with the proposed accessory structure location in regards to fire protection.

Building Department

A building permit and variance verification will be required before inspection. inspection will be required before.

Public Works Department

The Public Works Department did not express any issues regarding the reduced ROW setback. The city utilities in Woodland Ave ROW were located to ensure there will be no issue in future reconstruction or repair in their existing location.

Neighborhood Comment

No concerns were given to JPB at the time of writing this report

Comprehensive Plan References

In regards to the comprehensive plan, the goals of the plan are to protect the safety, health and welfare of the community population and environment. With the proper construction steps for mitigating potential impacts, this request is in keeping with the goals and policies of the comprehensive plan. This request also provides opportunity to continue to improve and maintain the character of an existing neighborhood.

RECOMMENDATION

Staff recommends approval of (3) variance's. 1.) Allow for a (7.2) foot setback encroachment of the side yard of the ten (10) feet required. 2.) A (10.1) foot encroachment of the public right-of way requirement of twenty (20) feet. 3.) To enlarge the footprint of a structure on a substandard parcel of land in the shoreland overlay.

Approval recommended with the following conditions:

1. \$300 variance verification fee will be paid before building permit can be issued.
2. Building corners of addition, proposed shed, and proposed driveway will be staked by a professional surveyor to ensure accuracy and mitigate chance for setback encroachment.
3. Proposed stormwater mitigation plan, including grading and drainage improvements for driveway, gutters, and a shallow swale shall be installed.

Board members had the following concerns:

- Kelly asked if the OHW meets setback even after proposed construction, which staff affirmed.

Motion by Meehlhause, second by Albrecht to approve Resolution No. 2017-14 for parcel 80.02699.00 with conditions and findings:

1. \$300 variance verification fee will be paid before building permit can be issued.
2. Building corners of addition, proposed shed, and proposed driveway will be staked by a professional surveyor to ensure accuracy and mitigate chance for setback encroachment.
3. Proposed stormwater mitigation plan, including grading and drainage improvements for driveway, gutters, and a shallow swale shall be installed.

1. Has the applicant demonstrated a practical difficulty?

Yes. The existing building was constructed within the side yard setback with the entry way on opposite side, making the addition of a garage not feasible without a complete reconstruction or remodel of the house.

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

Yes. The building was placed in this location before the official controls and oversight of today for setbacks, as well as surveying and platting practices.

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. Having an attached garage or detached accessory structure is in keeping with the character of the neighborhood, and does not compromise the intent of the zoning ordinance.

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

Yes. Nearly every property in this neighborhood has the benefit of a garage, likely constructed before the implementation of stricter regulation and oversight.

Motion carried unanimously.

RESOLUTION NO. 2017-15 – V-17-80.03308.01 – TIM ORTON PROPERTIES LLC.

Applicant is looking to redevelop their site at 555 Paul Bunyan Drive NW. This site will see an expansion to both the existing convenience store and car wash building along with the removal of the diesel island canopy. The zoning standards require a maximum impervious surface coverage of 70% in the Trunk Highway 197 Overlay District. The applicants are requesting an 81.4% impervious surface coverage; therefore, it will be an 11.4% variance request. The following three (3) variances are being requested:

1. An increase of 11.4% in maximum impervious surface coverage.
2. A reduction of seven (7) trees from the minimum of twelve (12) tree requirement
3. A reduction of five (5) trees from the street frontage tree requirement of ten (10).

BACKGROUND

The underlying zoning is B-2 General Commercial with the Trunk Highway 197 Overlay District.

PLANNING CONSIDERATIONS

Parking

The applicant is required to provide at least twelve (12) parking spaces on site. There will be a total of twenty-four (24) parking stalls on site, which includes the eight (8) stalls within the fuel island. Essentially there are sixteen (16) parking stalls on site, exceeding

the twelve (12) space requirement by four (4). One alternative approach to increase greenspace on site, would be to convert the four (4) extra parking spaces into greenspace. Another alternative approach that was suggested at the development meeting was to vacate the access off of 24th Street NW and to extend the greenspace up to the neighboring parcel to the east.

The regulation of off-street parking spaces in GBAJPB Ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking of motor vehicles. In all zoning districts all structures built and uses established hereafter shall provide off-street parking in accordance with the regulations of the ordinance. When an existing use or structure is expanded, off-street parking shall be provided in accordance with the regulations of the ordinance for the total area or capacity of such expansion.

Trees

On this site with a thirty percent (30%) pervious surface coverage, the baseline minimum landscaping standards requires a total of twelve (12) trees on the property. This site also requires a minimum of ten (10) trees along the street fronts of the property (Paul Bunyan Dr NW, Park Avenue NW and 24th Street NW).

At this time, the applicant has only provided five (5) trees of the minimum twelve (12) tree requirement on the site plan. It is recommended that if the tree requirement cannot be met, that large scale trees be planted as an alternative approach. One alternative approach that staff would recommend is that at least five (5) high quality significant trees be planted on site with a minimum height of eight (8) feet and a caliper greater than 1.75 inches to be a condition for approval.

Trash Enclosure

The applicant has indicated a trash enclosure will be on site. Per Section 1002 of the JPB zoning ordinance, the structure must be completely screened on all sides with a secure door, constructed to a height of six feet and matching the architecture appearance of the buildings.

Signage

The applicant recently obtained a new sign permit for a freestanding sign on site; however, a sign plan has not been submitted for any new or additional signage to the facilities. The applicant will be required to obtain an additional sign permit by submitting a sign application with sign dimension plans to JPB staff. The requirements for signage are as follows per Section 712 of the GBAJPB Zoning and Subdivision Ordinance:

Wall signage is limited to a maximum of four (4) percent of the building's total wall elevation square feet per street frontage, or fifty (50) square feet whichever is greater. Maximum allowable sign size shall not exceed two hundred and fifty (250) square feet.

Lighting

The applicant has not indicated any additional lighting being added to the existing structure. Any additional lighting that would be added would need to conform to the JPB's requirements per Section 1008 of the JPB zoning ordinance.

Fire/Engineering

No concerns were identified by the Fire Department. Craig Gray, Public Works Director/City Engineer recommends the three (3) boulevard areas in the City right-of-way between the various curb cuts on Park Avenue be converted back to grass as it will assist in providing some storm water infiltration. Mr. Gray also recommends that one (1) of the three (3) existing Park Avenue driveways be removed to limit the traffic conflict and to create a safer surrounding. If a driveway cannot be closed, then a combination of the northern two (2) driveways shall occur limiting to one (1) 30-32 foot driveway.

Neighborhood and Agency Comments

No neighborhood opposition has been received. MnDot had no comments regarding the project.

Comprehensive Plan References

The land use plan indicates that "approval of conditional use permits, variances, and requests for zoning amendments will be made only when consistent with the spirit and intent of the land use plan and upon positive findings of fact". With proper mitigation to the site, these variance requests are consistent with the spirit and intent of the land use plan and have positive findings of fact.

RECOMMENDATION

Staff recommends approval of the following three (3) variances contingent on the approval of the recommended conditions: 1.) An increase of 11.4% in maximum impervious surface coverage; 2.) A reduction of seven (7) trees from the minimum of twelve (12) tree requirement; and 3.) A reduction of five (5) trees in the street frontage tree requirement of ten (10). Staff recommends the following conditions:

1. The applicant shall provide an enhanced landscaping plan, which will include at least a minimum of five (5) high quality significant trees that are larger than eight (8) feet in height and greater than 1.75 caliper inches.
2. Final engineering plans will be submitted for approval by both MnDOT and the City of Bemidji Engineering Department.
3. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction or modification. Any future additions to this structure must be approved by GBAJPB staff and the City of Bemidji Building Department.
4. A sign permit will be obtained prior to any new signage being erected on the site.

5. The trash enclosure on site shall be completely enclosed on all sides.
6. All existing and future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
7. The center access of the three (3) driveways/access points off of Park Avenue shall be removed and the northern most driveway (28') on Park Avenue may be extended into a 32' driveway shifting either north or south as it fits.
8. All paved boulevards in the City right-of-way between curb cuts along Park Avenue shall be returned to grass to assist in providing storm water infiltration.
9. A landscaping escrow will be provided to the JPB staff and held until the trees are planted and have been determined to have been established for 1 year.
10. A development escrow will be provided to the JPB staff prior to obtaining a building permit for construction and held until all performance standards have been fulfilled.
11. The snow piling area must always remain greenspace and will be restored to a satisfactory landscaped condition each spring.
12. A development agreement will be entered into between the JPB and Applicant to ensure all site construction is completed to a satisfactory condition.

Board members had the following concerns:

- Frenzel asked the locations being restored to greenspace. Staff described the boulevard between the three accesses, also between the sidewalk and city street.
- Albrecht questioned if the project has any stormwater management. City engineer informed staff that it is not required as the impervious amount is not great enough. Albrecht asked about efforts to redirect runoff to grass area thus reducing sediment, and if catch basins are being created. Staff stated catch basins are not incorporated and the southwest greenspace is the only requirement. Albrecht questioned regrading, which staff said is not occurring, only where the tar is being added.
- Staff stated this is an improvement over 100% impervious and suggested putting a curb cut in west corner to direct water. Albrecht added that the project does not increase existing impervious.

Motion by Meehlhause, second by Larson to approve Resolution No. 2017-15 on parcel 80.03308.01 for the approval of three (3) variances: 1.) An increase of 11.4% in maximum impervious surface coverage; 2.) A reduction of seven (7) trees from the minimum of twelve (12) tree requirement; 3.) A reduction of five (5) trees in the street frontage tree requirement of ten (10), in order to redevelop their site at 555 Paul Bunyan Drive NW in the B-2 (General Commercial) with the Trunk Highway 197 Overlay District of the City of Bemidji with the following conditions and findings:

1. The applicant shall provide an enhanced landscaping plan, which will include at least a minimum of five (5) high quality significant trees that are larger than eight (8) feet in height and greater than 1.75 caliper inches.

2. Final engineering plans will be submitted for approval by both MnDOT and the City of Bemidji Engineering Department.
3. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction or modification. Any future additions to this structure must be approved by GBAJPB staff and the City of Bemidji Building Department.
4. A sign permit will be obtained prior to any new signage being erected on the site.
5. The trash enclosure on site shall be completely enclosed on all sides.
6. All existing and future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
7. The center access of the three (3) driveways/access points off of Park Avenue shall be removed and the northern most driveway (28') on Park Avenue may be extended into a 32' driveway shifting either north or south as it fits.
8. All paved boulevards in the City right-of-way between curb cuts along Park Avenue shall be returned to grass to assist in providing storm water infiltration.
9. A landscaping escrow will be provided to the JPB staff and held until the trees are planted and have been determined to have been established for 1 year.
10. A development escrow will be provided to the JPB staff prior to obtaining a building permit for construction and held until all performance standards have been fulfilled.
11. The snow piling area must always remain greenspace and will be restored to a satisfactory landscaped condition each spring.
12. A development agreement will be entered into between the JPB and Applicant to ensure all site construction is completed to a satisfactory condition.

1. Has the applicant demonstrated a practical difficulty?

Yes. A practical difficulty exists as this lot is an existing, previously built upon lot in the Trunk Highway 197 Overlay. No addition to the structures or alterations to the lot can be permitted without approval of a variance as the property exceeds the maximum impervious surface coverage. An existing sanitary sewer easement also runs through the property hindering redevelopment of the site.

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

Yes. A practical difficulty exists as this lot is an existing, previously built upon lot with an existing sanitary sewer easement running through it. No additions to the structure 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 Commercial along Paul Bunyan Drive, which is an appropriate use and allows for a 20% pervious surface coverage. Therefore the request is reasonable as the site is near the requirement for the underlying zone. The proposed request is in conformity with the Greater Bemidji Area Land Use Plan.

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

Yes. The site has been gas station and car wash and will continue to be one. This variance will not alter the essential character of the area. With the additional requirements for enhanced landscaping, the site will be redeveloped to improve on its existing conditions to match or exceed the surrounding parcels.

Motion carried unanimously.

Chair Kelly called for a five minute break at 7:29 p.m.

Chair Kelly resumed meeting at 7:35 p.m.

OTHER BUSINESS

Staff presented the revised Zoning and Subdivision Ordinance and Zoning Map in Ordinance No. 2017-02.

Board members had the following concerns:

- Albrecht stated the difficulty of knowing how to determine the right size of regulating body.
- Kelly commented on willingness of Northern Township members to serve, and requested a minimum of 3 representatives be maintained.
- Albrecht suggested 6 city representatives are fine.
- Frenzel stated it can be a struggle to fill vacancies.
- Larson agrees with Kelly. Stated 3 for Northern and 6 for city are manageable numbers.
- Albrecht stated preference for odd number of total members to avoid a tie vote. Further offered text change in Sect. 101. Staff will update.
- Discussion with staff about planning LGU meeting to continue with ordinance amendment process.

DIRECTOR'S REPORT

Mai proposed using part of anticipated Bemidji Township payment to have current comprehensive plan contractor complete the project. Discussion between board

members resulting in direction to staff for a request of presentation from Houston Engineering Incorporated. Staff will re-introduce topic at June JPB meeting.

Mai also discussed seven upcoming planning cases, ongoing development projects, CPAW meeting next week and encouraged everyone's attendance.

UPCOMING MEETING DATES:

Albrecht informed board of upcoming meeting in which herself and two other board members will be attending – in direct conflict with June 14 JPB meeting. Stated concern for quorum. Suggestions and ideas for amended meeting date were discussed. Staff will conduct poll to determine next JPB meeting time.

- May 25, 2017 -- JPC Regular Meeting @ 6:00 p.m.
- June TBD, 2017 -- JPB Regular Meeting @ 6:00 p.m.
- June 22, 2017 -- JPC Regular Meeting @ 6:00 p.m.
- July 12, 2017 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Meehlhause, second by Albrecht, to adjourn the Joint Planning Board meeting at 8:25 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

JPB Minutes Approved and attested by: Michael Kelly
Joint Planning Board Representative