

**GREATER BEMIDJI AREA
REGULAR JOINT PLANNING COMMISSION MEETING**

**Thursday, October 24, 2019
6:00 P.M.**

**Council Chambers, City Hall
317 4th ST NW
Bemidji, MN 56601**

AGENDA

- **Call to Order/Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approve Agenda**
- **Approve Minutes**
 - **Thursday, September 19, 2019 Regular Meeting**

NEW BUSINESS

- 1. Visitors** **Chair**

Public Hearings

- 1. Northern Township - Plat-19-31.00116.00, 31.00113.00 – Bryan & Nick Lee** **CM**
- 2. Northern Township - Z-19-31.00307.00, 31.00307.02 – Beck & Schoenfelder** **JC**
- 3. Northern Township - Z-19-31.00452.00 – RCMT LLC** **CM**
- 4. Northern Township - Plat-19-31.02927.00, 31.02928.00, 31.02929.00, 31.02930.00, 31.02931.00, 31.02932.00 & Groveland Court NE Plantation Estates – Wiebolt** **CM**
- 5. City of Bemidji – V-19-80.02994.00, 80.02995.00 – Tad Sonneman** **JC**
- 6. Ordinance 2019-10 - Temporary Storage Containers** **CM**

OTHER BUSINESS

- 1. Director's Report** **CM**
- 2. Sol Smart Update** **JC**
- 3. Upcoming Meetings** **Chair**
 - November 13, 2019 6:00 pm JPB Regular Meeting
 - November 21, 2019 6:00 pm JPC Regular Meeting
 - November 26, 2019 6:00 pm Joint LGU Meeting
 - December 11, 2019 6:00 pm JPB Regular Meeting
 - December 19, 2019 6:00 pm JPC Regular Meeting
- 4. Adjourn** **Chair**

**MINUTES
GREATER BEMIDJI AREA
REGULAR PLANNING COMMISSION MEETING**

**October 24, 2019
6:00 p.m.**

**City Hall
Council Chambers**

CALL TO ORDER: Chair Chris Lahn called the regular meeting of the Greater Bemidji Area Joint Planning Commission to order at 6:00 p.m., roll call was taken and the pledge of allegiance was recited.

MEMBERS PRESENT: Berg, Faver, David, Heinonen, Lahn, Lemmer, Smith

MEMBERS ABSENT: Steffen, Miller

STAFF PRESENT: Casey Mai, Jamin Carlson, Terri Ball

OTHERS: Dana & Bryan Lee, Nick Lee, Tad Sonneman, Jim Bronczyk, Lucille Granger, Ricky Eck, Jason Lindom, Mark & Tammy Kuechenmeister, Matt Murray

APPROVAL OF AGENDA:

Motion by Lemmer, second by Heinonen, to approve the agenda as presented.

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Smith, second by Lemmer, to approve minutes from the September 19, 2019, Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

Public Hearing:

Mai presented the first case:

PLANNING CASE – Plat-19-31.00116.00, 31.00113.00 – Bryan & Nick Lee

Bryan & Nick Lee are requesting approval of a preliminary plat for a subdivision containing up to thirty-two (32) lots along with a public road built to Township specifications that will serve the development. The proposed site is located near the 1900 block of Grange Rd NW on the south side of County Road 22 within Northern Township and is currently zoned as (R-2) Suburban Residential.

BACKGROUND

The Applicants recently purchased the vacant property with plans to subdivide the property to create additional housing opportunities for single-family residences. Currently, there are two (2) parcels of land with the frontage property off of County Road 22 being approximately thirty-seven (37) acres in size, while the back parcel is forty (40) acres in size, totaling seventy-seven (77) acres

to subdivide. The Applicants plan to create up to thirty-two (32) lots throughout the development, all being greater than two (2) acres in size. The Applicants then plan to build a looped road that will comply with Township specifications, which will ultimately be turned over to Northern Township once development is completed.

PLANNING CONSIDERATIONS

Septics and Wells

Each lot will be responsible for their own private well and septic system. A septic permit shall be obtained with the system professionally designed by a licensed designer. Each proposed lot being greater than two (2) in size and being located on upland will be able to have functioning septic systems with multiple viable options if future locations are needed. All private wells will require inspections and approval from the Department of Health.

Northern Township – Road Authority/Requirements

Northern Township is the Road Authority within this jurisdiction. The Applicant shall work with Northern Township to establish a new Road Agreement. All residential right-of-way widths and pavements shall conform to the minimum dimensions, in addition to any requirements of the road authority that will be asked in order for the Township to accept. In the R-2 district, rural streets without curb and gutter are required to have a right-of-way of sixty-six (66) feet and a pavement width of twenty-four (24) feet.

As this area will not be served by storm sewer, the right-of-way shall be grubbed to a minimum of twenty (20) feet on either side of a center line in an embankment section, or such addition as may be required in a ditch section. The width between shoulder lines shall be uniform and shall be a minimum of fourteen (14) feet on either side of the center line. In slopes and back slopes shall not be steeper than three (3) feet on the horizontal to one (1) foot on the vertical. The ditch separation shall be a minimum of two (2) feet with a ditch bottom of three (3) feet minimum.

Sidewalks or Shared Use Paths

According to Section 1109 of the JPB Ordinance, in all major subdivisions that include paved roads, either sidewalks or a paved shared-use path at not less than five (5) feet shall be placed on both sides of the road. Per Section 1010 of the JPB Ordinance, Active Transportation Requirements shall apply to all private on site improvements in all zoning districts except I1, I2, C, R1, and **R2**. JPB Staff would encourage the Applicants to include sidewalks or shared-use paths on their final plat for approval as it is an important relationship between the built environment and the ability of people to be physically active in the public setting. Three (3) key purposes that the JPB shall seek with the creation of a major subdivision are: 1.) Ensure that each development is designed to be pedestrian friendly; 2.) Create a healthy built environment in which individuals have opportunities to incorporate physical activity, such as walking and bicycling into their daily routine; and 3.) Create an environment where the risk of pedestrian injuries or fatalities is minimized through the application of appropriately designed standards by minimizing bicycle, pedestrian and motorized vehicle conflict.

Beltrami County Highway Department

Bruce Hasbargen, Beltrami County Engineer of the Beltrami County Highway Department has reviewed this request and had the following comments:

The two existing entrances off of CSAH 22 will be required to be removed and relocated to the proposed road locations. Entrance permits will be required for these relocations.

Beltrami County GIS

Kevin Trappe, GIS Director of Beltrami County had the following to say:

In regards to the Lee planning case requesting approval of a preliminary plat on parcels 31.00113.00 & 31.00116.00, the applicants will need to work with the Beltrami County GIS Director to propose a street name and request approval of said name for 911 addressing purposes. No addresses will be assigned for any structures on the proposed lots until a street name has been approved and established.

Development Team (Fire Department)

The Development Team had no concerns with this plat request.

Neighborhood Comment

At the time of writing this report, no neighborhood concerns were received.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports this rezone.

Objective 8.2 Promote and Encourage Diversity with New Housing Developments

Housing developments that include a diverse amount of housing options can help ensure all residents have housing, diverse housing can and should provide market rate and affordable opportunities.

- 1. Promote a variety of housing options based on market and need. It is important to support all forms of housing developments and to promote diversity and choice of housing for all residents. Market rate housing or workforce housing should be promoted based on market trends, affordable or supportive housing should be promoted based on the needs of the community.***
- 2. Allow flexibility when affordable housing units are part of a new development. Allowing for new housing developments to receive a density bonus or other flexibility can incentivize developers to include affordable housing units.***

RECOMMENDATIONS

Staff recommends approval of a preliminary plat subdivision for the creation of a new residential housing development up to thirty-two (32) lots located in Northern Township within the (R-2) Suburban Residential Zoning District based on the following findings of fact with conditions:

1. A final plat shall be submitted to the JPB for final review and approval.
2. A land use permit and septic permit shall be obtained prior to any construction taking place on any of the undeveloped lots.
3. The Applicant and Northern Township shall enter into a Road Agreement for the new proposed road. The new proposed road shall comply with all minimum dimensions and requirements of Northern Township, as the Road Authority.
4. An entrance permit shall be obtained from Beltrami County Highway Department for the relocation of road entrances off of CSAH 22.
5. Either sidewalks or shared-use paths, not less than five (5) feet shall be incorporated on the final plat as well as throughout the development to provide active transportation.
6. A complete and adequate drainage system for the subdivision shall be designed by a professional engineer and submitted to the JPB along with the final plat.
7. The Applicant shall work with the Beltrami County Recorder to select a plat name prior to the final plat being submitted.

Public Hearing opened at 6:11 p.m.

Bryan Lee was present for questions. Commissioner Smith encouraged sidewalks in the proposed development, while Lee spoke of his experience with the Maple Ridge development which did not have sidewalks, but still had ample walking and biking traffic. Lee also stated that adding sidewalks or shared paths adds to the cost of construction, which makes it hard to offer affordable housing. Staff asked applicant if he is comfortable with creating a shared lane for active transportation. Lee stated that it is a struggle for him because previous developments work well without a designated path, and other city development has not incorporated a shared lane. Lee further commented that his proposed development does not compare with the traffic along Irvine Avenue, so a condition to add a path does not seem necessary. Commissioner David asked about this being required in the condition. Staff clarified that the shared path is encouraged, not required in the ordinance, and that it needs to be discussed and decided. Lee wants to challenge the condition. Matt Murray questioned the language of the ordinance, and staff read Section 1010, which states that this project is exempt from the requirement, but maintained that applicant is encouraged to include the path nonetheless. Murray commented that the condition would be over and above the ordinance requirements, and questioned if Northern Township is okay with the extra road width to maintain. Staff stated that Northern Town Board representatives recommended the added width. Murry concluded that the condition makes sense in an urban area with curb and gutter, but not in a rural area. James Bronczyk asked if building requirements and restrictions will be required on these lots. Staff explained that only single family homes area allowed to be built, and those must meet state building codes. Bronczyk questioned the use of modular homes, and staff stated that they are permitted as long as they are at least twenty feet (20') wide and eight hundred (800) square feet. Bronczyk asked about the land elevation. Staff stated that there is no low land, and that grading and drainage plans are required prior to construction.

Public Hearing closed at 6:26 p.m.

Motion by Faver, second by Smith, to recommend preliminary approval of the plat request for the creation of a new residential housing development up to thirty-two (32) lots, with the following conditions:

1. A final plat shall be submitted to the JPB for final review and approval.
2. A land use permit and septic permit shall be obtained prior to any construction taking place on any of the undeveloped lots.
3. The Applicant and Northern Township shall enter into a Road Agreement for the new proposed road. The new proposed road shall comply with all minimum dimensions and requirements of Northern Township, as the Road Authority.
4. An entrance permit shall be obtained from Beltrami County Highway Department for the relocation of road entrances off of CSAH 22.
5. Either sidewalks or shared-use paths, not less than five (5) feet shall be incorporated on the final plat as well as throughout the development to provide active transportation.
6. A complete and adequate drainage system for the subdivision shall be designed by a professional engineer and submitted to the JPB along with the final plat.
7. The Applicant shall work with the Beltrami County Recorder to select a plat name prior to the final plat being submitted.

Findings of Fact

1. The development is permitted in the (R-2) Suburban Residential Zoning District.

2. The proposed platted lots meet the minimum lot requirements of the (R-2) Suburban Residential Zoning District.
3. The proposed development consists of up to thirty-two (32) residential lots to be developed on.
4. An increase in traffic will occur along CSAH 22; however, no adverse impacts to traffic are anticipated in this immediate vicinity.
5. The preliminary plat is in conformity with the approved Greater Bemidji Area Comprehensive Plan, as well as the Zoning & Subdivision Ordinance.

Roll call vote:

Ayes: Smith, Lemmer, Lahn, Heinonen, David, Faver, Berg

Nays: None

Absent: Miller, Steffen

Abstain: None

Motion carried unanimously.

Carlson presented the second case:

PLANNING CASE – Z-19-31.00307.00, 31.00307.02 – Beck & Schoenfelder

Rodney Beck is requesting a rezone of the property, parcel 31.00307.00, from (MH) Manufactured Housing Park to (R-2) Suburban Residential. The applicant is requesting the rezone in order to build a single-family home on the eight-thousand block off of Bemidji Rd. NE (CSAH 21), within Northern Township. Also, as part of this request the neighboring property owner, Benjamin Schoenfelder of Parcel 31.00307.02 is also seeking to rezone his property to (R-2) Suburban Residential in order to build a new single-family home.

BACKGROUND

The applicants are looking to rezone their properties to residential use similar to the adjacent (R-2) suburban residential zoned properties. There has been many inquiries for these two properties as they have been for sale for some time and most have been with the intent to put a single family home on the parcels. These properties meet the minimum requirements for lot size and width per Section 402 of the GBAJPB Ordinance. This request makes sense due to the adjacent residential communities along with the demand for more single-family residential homes in the Greater Bemidji area.

PLANNING CONSIDERATIONS

Adjacent Zoning and Land Use

The proposed development is surrounded by primarily rural residential to the west, north and east with the mobile home park located to the direct south. Directly to the northwest is County Road CSAH 21 and rural commercial to the northeast.

Adverse effects on the surrounding neighborhoods are not anticipated with this rezone proposal as the area is predominantly made up of single-family homes and this is the same use as the surrounding community.

Beltrami County Highway Department

“Beltrami County Highway Department does not have any concerns with the zoning change request.”

Just a reminder that, an Entrance permit from the Highway Department will be required for access onto CSAH 21."

*Bruce Hasbargen
County Engineer*

JPB Attorney

The JPB Attorney had the following comments:

"I see no problem with including the additional parcel in the rezoning (at least under these facts). The JPB has the discretion to rezone on its own initiative and so that is essentially what it will be doing with respect to the additional parcel (and with the owner's consent)."

Troy J. Gilchrist | Attorney at Law
Kennedy & Graven, Chartered
Direct: 612.337.9214
tgilchrist@kennedy-graven.com

Development Team (Fire Department)

The Development Team had no concerns with this rezone request.

Neighborhood Comment

At the time of writing this report, no neighborhood concerns were received.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports this rezone.

Objective 8.2 Promote and Encourage Diversity with New Housing Developments

Housing developments that include a diverse amount of housing options can help ensure all residents have housing, diverse housing can and should provide market rate and affordable opportunities.

- 3. Promote a variety of housing options based on market and need. It is important to support all forms of housing developments and to promote diversity and choice of housing for all residents. Market rate housing or workforce housing should be promoted based on market trends, affordable or supportive housing should be promoted based on the needs of the community.***
- 4. Allow flexibility when affordable housing units are part of a new development. Allowing for new housing developments to receive a density bonus or other flexibility can incentivize developers to include affordable housing units.***

The Area Future Land Use Plan Map describes this parcel as: *Single-family residential at a density not expected to be served by municipal services in the future.*

RECOMMENDATIONS

Staff recommends approval of a rezone of the two (2) properties, parcels 31.00307.00 & 31.00307.02, from (MH) Manufactured Housing Park to (R-2) Suburban Residential.

Public Hearing opened at 6:39 p.m.

Public Hearing closed at 6:40 p.m.

Motion by Lemmer, second by Heinonen, to send approval to the Joint Planning Board for a rezone of the two (2) properties, parcels 31.00307.00 & 31.00307.02, from (MH) Manufactured Housing Park to (R-2) Suburban Residential. Approval of a rezone to a (R-2) Suburban Residential zoning district is based on the following findings of fact:

Findings of Fact:

1. Whether the change in classification would be consistent with the intent and purpose of this Ordinance.

Yes. The current intent and proposed future land use are consistent with the (R-2) Suburban Residential Zoning District. Properties within the area already have single-family homes located on them and are zoned R-2 currently. This request is consistent with the purpose of the Ordinance.

2. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

Yes. This area is made up of predominately suburban residential and the future land use map is consistent with the requested rezone. Single-family homes and zoned properties reside in the area.

3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.

Yes. Municipal services do not exist at these locations and are not anticipated anytime soon. Public services would not be required at these locations for suburban residential. This property would be required to meet all well, septic and stormwater requirements at the time of having a land use permit issued.

4. Whether the proposed amendment would correct an error in the application of this Ordinance.

No. This is not a correction. With new residential homes continuing to be built regularly in the area, there is a demand for additional single-family homes to be constructed.

5. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions

Yes. The Greater Bemidji Area continues to change as development continues to move outwards from the City of Bemidji. As single-family development occurs, future land use changes as well as amendments to the ordinance that would essentially permit this type of development in a rural setting. Also, with this parcel currently being zone MH, it would be consistent with the GBAJPB Comprehensive Plan to be rezoned to R-2.

Motion carried unanimously.

Mal presented the third case:

PLANNING CASE – Z-19-31.00452.00 – RCMT LLC

RCMT, LLC is requesting a rezone of the property, parcel 31.00452.00, from (R-1) Rural Residential to (B-1) Low Density Commercial. The applicant is requesting to expand commercial opportunity off of Balsam Road NW and Highway 71 within Northern Township.

BACKGROUND

The applicants recently purchased this property on the west side of Highway 71 and the north side of Balsam Road NW. One of the applicants currently own the property directly to south of this site

and was subject to a rezone in 2017 from (R-1) Rural Residential to (B-1) Low Density Commercial. This parcel is approximately thirty-seven (37) acres in size and is predominantly made up of wetlands on over half the property. Roughly eleven (11) acres of the property is on high ground and is buildable. The property is currently zoned (R-1) Rural Residential.

PLANNING CONSIDERATIONS

Adjacent Zoning and Land Use

The proposed development is surrounded by primarily rural residential to the west and southwest, with low density commercial to the south, east and northeast. Directly to the east is Highway 71 and to the north is conservation zoned land made up of primarily wetlands. All three (3) of the other intersection quadrants, are zoned (B-1) Low Density Commercial.

Adverse effects on the surrounding neighborhoods are not anticipated with this rezone proposal as the area has been trending towards low density commercial development. Any high intensity uses or major redevelopment of the area would require significant review.

Wetlands

Approximately half to two-thirds of the property is sensitive area made up of wetlands according the National Wetland Inventory map from 1979. After completing a walk-through of the property, the wetland boundary is easily defined on site.

Per Section 1014 of the JPB Zoning & Subdivision Ordinance, the lowest floor elevation of buildings used for living quarters or work area shall be at least three (3) feet above the ordinary high water level. Structures shall be setback twenty (20) feet from the wetland boundary, as delineated by a certified wetland specialist.

Development Team (Fire Department)

The Development Team had no concerns with this rezone request.

Neighborhood Comment

At the time of writing this report, one neighboring property owner contacted staff stating support of the property/area being rezoned to low density commercial. No other comments or concerns were received.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports this rezone.

Objective 4.2: Preserve and Promote Commercial and Industrial Redevelopment or In-Fill Development Where Appropriate

- 2. Identify areas where commercial and industrial uses should be located, specifically adjacent to highways with controlled access where noise, odor, dust, and glare will have minimal impact. *When reviewing new commercial and industrial land uses, ensuring these areas are appropriate and compatible with opportunity to be successful. Piecemeal development of industrial and commercial land uses can increase urban sprawl and have negative impacts on existing, less intense surrounding land uses.***

RECOMMENDATIONS

Staff recommends approval for a rezone of the property, parcel 31.00452.00, from (R-1) Rural Residential to (B-1) Low Density Commercial in order to expand commercial opportunity off of Balsam Road NW and Highway 71 within Northern Township.

Public Hearing opened at 6:47 p.m.

Mark Kuechenmeister described this parcel as the last corner of the intersection to be rezoned, pending annexation. Also, he intends to create positive, quality commercial, technical or municipal development. James Bronczyk asked what the property will be used for. Staff explained that it is intended to be used for commercial opportunity, like storage units perhaps. Commissioner Smith spoke of the planning matrix in section 302 of the GBAJPB Zoning and Subdivision Ordinance, and staff affirmed that if the applicant chose a use requiring special approvals, that would come back to the JPC and JPB for a planning case process. Bronczyk stated that he owns land adjacent to the applicant and asked what the re-zone will do to his property. Staff explained that the process will not affect him; however, he too has the choice to re-zone, if an opportunity came up.

Public Hearing closed at 6:52 p.m.

Motion by Heinonen, second by Lemmer, to approve a rezone of the property, parcel 31.00452.00, from (R-1) Rural Residential to (B-1) Low Density Commercial in order to expand commercial opportunity off of Balsam Road NW and Highway 71 within Northern Township. Approval of a rezone to a (B-1) Low Density Commercial zoning district is based on the following findings of fact:

Findings of Fact:

- 1. Whether the change in classification would be consistent with the intent and purpose of this Ordinance.**
Yes. The current intent and proposed future land use are consistent with the (B-1) Low Density Commercial Zoning District. Properties along Highway 71 have been trending towards lower density of commercial land use for quite some time and are consistent with the purpose of the Ordinance.
- 2. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.**
Yes. This area is made up of rural residential and low density commercial. Other low density commercial facilities reside less than a mile to the northeast, east or to the south off of Highway 71.
- 3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.**
Yes. Municipal services do not exist at this location and are not anticipated anytime soon. Public services would not be needed at this location for a low density commercial storage building. This property would be required to meet all well, septic and stormwater requirements.
- 4. Whether the proposed amendment would correct an error in the application of this Ordinance.**
No. This is not a correction. However, through the new adopted comprehensive plan and the future land use map, this area along the Highway 71 corridor is anticipated to be developed into a low density commercial in the future as development continues to grow outwards from the City of Bemidji.
- 5. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions**
Yes. The Greater Bemidji Area continues to change as development continues to move outwards from the City of Bemidji. As development occurs, future land use changes as

well as amendments to the ordinance that would essentially permit this type of development in a rural setting. For this proposed location along Highway 71, a mixed-use of low density commercial and residential is spread out along the highway.

Motion carried unanimously.

Mai presented the fourth case:

PLANNING CASE – Plat-19-31.02927.00, 31.02928.00, 31.02929.00, 31.02930.00, 31.02931.00, 31.02932.00 & Groveland Court NE Plantation Estates – Darwin Wiebolt

Darwin Wiebolt is requesting to replat the subdivision for additional residential lots along with eliminating the proposed frontage road of Groveland Court NE off of Highway 71 within Northern Township. This subdivision is part of the Plantation Estates.

BACKGROUND

In 2003, these lots were platted and zoned for commercial use. Due to the demand not being there for commercial use, the Applicant recently rezoned these properties to residential use, similar to the adjacent (R-2) suburban residential zoned properties within the subdivision. An additional three (3) lots will be created with the replat of the subdivision. A total of nineteen (19) lots were part of the original plat; however, with the replat, there will now be a total of twenty-two (22) lots. A total of ten (10) lots will remain undeveloped until either sold or a land use permit is obtained for construction. The total replat area in size is approximately 14.6 acres.

PLANNING CONSIDERATIONS

Northern Township

Northern Township is the Road Authority within this jurisdiction. The Applicant shall work with Northern Township to amend the Road Agreement that is currently in place or establish a new Agreement. All residential right-of-way widths and pavements shall conform to the minimum dimensions, in addition to any requirements of the road authority that will be asked in order for the Township to accept. In the R-2 district, rural streets without curb and gutter are required to have a right-of-way of sixty-six (66) feet and a pavement width of twenty-four (24) feet.

As this area will not be served by storm sewer, the right-of-way shall be grubbed to a minimum of twenty (20) feet on either side of a center line in an embankment section, or such addition as may be required in a ditch section. The width between shoulder lines shall be uniform and shall be a minimum of fourteen (14) feet on either side of the center line. In slopes and back slopes shall not be steeper than three (3) feet on the horizontal to one (1) foot on the vertical. The ditch separation shall be a minimum of two (2) feet with a ditch bottom of three (3) feet minimum.

Beltrami County GIS

Kevin Trappe, GIS Director for Beltrami County stated the following:

I have discussed with the surveyor the proposed street name 'DELS CT NE' as shown on the Preliminary Plat of Plantation Estates First Addition, and this is an acceptable street name for 911 addressing purposes. If the plat is approved, the Beltrami County Highway Department will install a street sign bearing the name 'DELS CT NE'.

MnDOT

No concerns were received from MnDOT regarding this replat request.

Development Team (Fire Department)

The Development Team had no concerns with this rezone request.

Neighborhood Comment

At the time of writing this report, no neighborhood concerns were received.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports this rezone.

Objective 8.2 Promote and Encourage Diversity with New Housing Developments

Housing developments that include a diverse amount of housing options can help ensure all residents have housing, diverse housing can and should provide market rate and affordable opportunities.

- 1. Promote a variety of housing options based on market and need. It is important to support all forms of housing developments and to promote diversity and choice of housing for all residents. Market rate housing or workforce housing should be promoted based on market trends, affordable or supportive housing should be promoted based on the needs of the community.*
- 2. Allow flexibility when affordable housing units are part of a new development. Allowing for new housing developments to receive a density bonus or other flexibility can incentivize developers to include affordable housing units.*

RECOMMENDATIONS

Staff recommends approval of a replat of a portion of the Plantation Estates Plat to allow for additional single-family residential lots. The parcels being replatted are 31.02927.00; 31.02928.00; 31.02929.00; 31.02930.00; 31.02931.00; 31.02932.00 & Groveland Court NE, Plantation Estates. This plat is located in Northern Township within the (R-2) Suburban Residential Zoning District and approval is based on the following findings of fact with conditions:

1. The final plat known as "Plantation Estates, First Addition" shall be submitted to the JPB for final review and approval.
2. A land use permit and septic permit shall be obtained prior to any construction taking place on any of the undeveloped lots.
3. The Applicant and Northern Township shall either amend their existing Road Agreement or enter into a new Agreement.
4. Each lot shall obtain a driveway installation permit from Northern Township prior to constructing.

Public Hearing opened at 7:00 p.m.

Matt Murray stated that this future development makes a large improvement of the area. Commissioner Smith commented that it is a straight forward case.

Public Hearing closed at 7:01 p.m.

Motion by Smith, second by Lemmer, to approve a replat of a portion of the Plantation Estates Plat to allow for additional single-family residential lots, with the following findings of fact:

Findings of Fact:

1. The development is permitted in the (R-2) Suburban Residential Zoning District.

2. The proposed replatted lots meet the minimum lot requirements of the (R-2) Suburban Residential Zoning District.
3. An increase of three (3) residential lots will occur, going from nineteen (19) lots up to twenty-two (22) residential lots.
4. A total of ten (10) lots will remain undeveloped until land use permits are issued.
5. An increase in traffic will occur; however, no adverse impacts to traffic are anticipated in this immediate vicinity.
6. The preliminary replat is in conformity with the approved Greater Bemidji Area Comprehensive Plan, as well as the Zoning & Subdivision Ordinance.

Motion carried unanimously.

Carlson presented the fifth case:

PLANNING CASE – V-19-80.02994.00, 80.02995.00 – Tad Sonneman

Tad Sonneman is requesting multiple variances on parcels 80.02995.00 & 80.02994.00 in order to install vestibules on existing apartment buildings located at 2925 Pine Ridge Ave NW in the City of Bemidji. This property is located within the sewerred (R-6) Multiple Family Zoning District. The requested variances are as follows:

1. A reduction of twelve (12) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #1;
2. A reduction of twenty (20) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #2;
3. A reduction of ten (10) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #4;
4. A reduction of nine (9) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #5; and
5. A reduction of seventeen (17) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #6.

BACKGROUND

The property owner met with staff about adding vestibules to the apartments. Mr. Sonneman stated that the current entry ways to all the apartments get very cold in the winter as there is only a single door and these additions would add life safety along with added security as well. As these apartments were built around 1978, the majority of these structures are legal non-conforming and do not meet current setbacks. The parcels are in the process of being combined into one (1) lot of record by the landowner. Exterior lighting and exterior storage were discussed with the landowner as it is the intent of the Ordinance that all nonconformities shall be encouraged to eventually be brought into conformity. Mr. Sonneman would like to not to have to enclose his dumpsters due to circumstances of parking configurations and difficulties with removal.

PLANNING CONSIDERATIONS

Lighting

All exterior lighting for this development shall meet Section 1008 of the JPB Ordinance and shall be downward facing or shielded so lighting is directed towards the night sky, neighboring properties or within the right-of-way. A lighting plan showing exterior fixtures and placement will need to be submitted for approval.

Signage

All signage must comply with Section 710 of JPB Zoning and Subdivision Ordinance.

Trash Handling

Per Section 1002 of the JPB Zoning and Subdivision Ordinance, all dumpsters throughout the property shall be fully screened and enclosed on all sides at a minimum of six (6) feet in height and be of a durable and fully opaque material which cannot be seen through.

Development Team: (Public Works/Engineering, Building, GIS & Fire Department)

No issues were brought to the attention of JPB staff at the time of writing this report. Final plans will be reviewed by all officials for compliance with City of Bemidji and JPB regulations.

From Bryan Kerby, Building Official:

"To Development Team,

The Building Department has no concerns with the variance requests for this planning case. We have met with the property owner and believe that the building modifications being proposed are improvements for security and accessibility to these buildings. We have reviewed preliminary plans for the vestibules and will require that a licensed design professional provide construction documents for plan review should this project proceed. All requirements for compliance with the 2015 Minnesota State Building Code will need to be met during Commercial Plan Review prior to issuance of a permit for construction."

Neighboring Property Input

No neighborhood comment was received at the time of writing this report.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports this variance.

Objective 8.1 Preserve and Enhance the Quality of Housing that is Affordable, Safe, and Energy Efficient

Having affordable and safe housing options available for all residents is imperative to improving quality of life, and for successful community growth. Energy efficient homes can improve affordability for the occupant and reduce the Photo Credit: GBAJPB overall carbon footprint of the community.

2. Improve the quality of housing with energy efficient building upgrades and through using renewable energy resources. Ensuring that residents know what resources are potentially available to them to make energy efficient building upgrades or to convert to using renewable resources can decrease the community's overall energy needs, ultimately reducing environmental impact.

RECOMMENDATIONS

Staff recommends approval of five (5) variances in order to install vestibules on existing apartment buildings located at 2925 Pine Ridge Ave NW:

1. A reduction of twelve (12) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #1;
2. A reduction of twenty (20) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #2;
3. A reduction of ten (10) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #4;
4. A reduction of nine (9) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #5; and

5. A reduction of seventeen (17) feet within the front yard setback per Section 402 requirement of thirty (30) feet for building #6.

Conditions

1. Vestibule additions shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Zoning and Subdivision Ordinance.
4. A sign permit shall be obtained prior to installation of any new signage. Any additional signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A building permit shall be obtained prior to construction.
7. All new and existing exterior lighting for this development shall meet Section 1008 of the JPB Ordinance.
8. 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 expansions 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.

Public Hearing opened at 7:10 p.m.

Tad Sonneman stated that with the variance, he will be able to greatly improve the property by saving energy, improving safety with locking entry doors, and updating to LED exterior lighting. Sonneman also spoke about the difficulty of coming into compliance with garbage enclosures. He detailed the limited off-street parking as a reason not to reduce space being used for extra parking and maneuvering near garbage dumpsters, Waste Management having a difficult time already due to restricted space and overhead power lines, as well as the high number of children that take out garbage on a regular basis. Sonneman explained that a full time maintenance person is on staff to keep up with over two hundred (200) residents and monitor the trash at all times, and also he stated that the fire department asked him to keep the dumpsters away from the garages. Commissioner Smith asked for more specific information about the parking problems created due to a trash enclosure. Sonneman explained that the maintenance staff has the only designated parking spot, but having seventy-two (72) apartment units, each with two (2) vehicles using calendar off-street parking, and no other space available to add more parking are his reasons to ask to not have to enclose his dumpsters. Sonneman discussed at length with Smith, the parking details on the printed copy of the site plan. Commissioner David questioned the process for snow removal. Sonneman stated that residents receive notice forty-eight (48) hours prior to plowing, and law enforcement is notified and thus permits parking on both sides of the street, during the day-time hours, when most people are at work or school. Sonneman summarized that this works well and hopes to be forgiven in this one way, for the ease/convenience of his residents.

Public Hearing closed at 7:21 p.m.

Public Hearing re-opened at 7:24 p.m.

Tad Sonneman stated that he too has concerns about trash being visible and vermin able to

access trash, so he asked Waste Management for special containers with rolling lids to make it easier for anyone to open and close. He also stated that it is easier to keep up with any issues as they occur when dumpsters are visible, but it would be more difficult if they were enclosed. Sonneman's opinion is based on twenty-five (25) years of experience, and he stated that he does not feel comfortable with garbage enclosures at this location.

Public Hearing re-closed at 7:27 p.m.

Motion by Faver, second by Smith, for the approval of five (5) variances in order to install vestibules on existing apartment buildings located at 2925 Pine Ridge Ave NW, with the following conditions:

1. Vestibule additions shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Zoning and Subdivision Ordinance.
4. A sign permit shall be obtained prior to installation of any new signage. Any additional signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A building permit shall be obtained prior to construction.
7. All new and existing exterior lighting for this development shall meet Section 1008 of the JPB Ordinance.
8. 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 expansions 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.

And Findings of Fact:

1. Has the applicant demonstrated a practical difficulty?

Yes. The apartments were built before current zoning standards. The applicant states that the location of the buildings and streets demonstrate a practical difficulty for upgrading the entryways.

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

Yes. The buildings were built prior to today's zoning standards and were not constructed by the current owner. Each of these structures have a great loss of energy in the winter months and create a safety concern in front of each doorway. With the addition of a vestibule in front of each doorway of every structure, energy will be conserved with retaining heat in the building and providing safe exits from the building that will be ADA compliant.

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. This area is zoned for multiple family and adding vestibules would be keeping with the spirit, purpose and intent of the Zoning Ordinance. Although setback encroachments towards a ROW are not encouraged, the applicant has stated that the proposed added vestibules would only be practical at the current location for energy efficiency, life safety,

and security.

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

Yes. Again, this area is zoned for multiple family with apartment buildings and townhomes surrounding the proposed site. The proposed variance request would fit well within the surrounding area and would not alter the character.

Roll call vote:

Ayes: Berg, Faver, David, Heinonen, Lahn, Lemmer, Smith

Nays: None

Absent: Steffen, Miller

Abstain: None

Motion carried unanimously.

Mai presented the sixth case:

ORDINANCE NO. 2019-10 – Temporary Storage Containers

Staff gave a brief history of the enforcement process that began last spring, and the committee work that has since evolved. The proposed ordinance would replace the current section 1011 of the GBAJPB Zoning and Subdivision Ordinance. Commissioner Smith asked if fines or enforcements could result, and staff stated that enforcement would occur. Smith also asked about grandfathered properties, which staff explained would be granted one (1) year to come into compliance. Commissioner Faver stated that ordinance violations are a misdemeanor. Commissioner Berg asked what other communities are doing to handle this problem. Staff stated that several communities prohibit storage containers, while others require screening and/or permits. Smith commented that staff did a good job accommodating the public's need, while limiting the neighbor impact. Smith further commented that if temporary storage is a chronic need for someone, then they should consider building a structure.

Public Hearing opened at 7:43 p.m.

Public Hearing closed at 7:43 p.m.

Motion by Lemmer, second by David, to send approval to the Joint Planning Board for Ordinance 2019-10, an amendment to the Greater Bemidji Area Joint Planning Board Zoning and Subdivision Ordinance.

Motion carried unanimously.

OTHER BUSINESS:

DIRECTOR REPORT

Staff recapped the JPB's decisions on last month's planning cases, stated that two (2) or three (3) planning cases are anticipated next month, and summarized the year-to-date activity of permitting. Staff also spoke of the Minnesota APA conference that was attended, and on-going development projects in the area.

SOL SMART UPDATE

Staff described the program that we have been involved in for almost a decade, and the recent progress that has since awarded us a Bronze Level Designation. Staff described future steps that would raise us to either Silver or Gold Level Designations. Commissioner Lemmer asked if anyone

on City staff is qualified to inspect, but staff will need to follow up. Commissioner Smith asked how many people have opted for solar power. Staff stated one (1) recent residential and one (1) commercial, however, more residential uses in the area have been noted. No action was required by the Commission.

UPCOMING MEETING DATES:

Nov. 13, 2019	6:00 pm	JPB Regular Meeting
Nov. 21, 2019	6:00 pm	JPC Regular Meeting
Nov. 26, 2019	6:00 pm	Joint LGU Meeting
Dec. 11, 2019	6:00 pm	JPB Regular Meeting
Dec. 19, 2019	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Lemmer, second by Heinonen, to adjourn the Regular Planning Commission meeting at 7:56 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball
Planning Administrative Assistant

Approved and attested by:  _____
Joint Planning Commission Representative

