

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

**Thursday, December 22, 2016
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, November 17, 2016 Regular Meeting**

NEW BUSINESS

Public Hearings

1. **Northern Township – V-16-31.00682.00 - Northwoods Lumber** **CM**
2. **Northern Township - PUD/CIC-16-31.00448.00 – Great Western Properties, LLC** **CB**

OTHER BUSINESS

1. **Visitors** **Chair**
2. **Administrator Report** **CM**
3. **Upcoming Meetings** **Chair**
 - January 11, 2017 6:00 pm JPB Regular Meeting
 - January 26, 2017 6:00 pm JPC Regular Meeting
 - February 8, 2017 6:00 pm JPB Regular Meeting
 - February 23, 2017 6:00 pm JPC Regular Meeting
4. **Adjourn** **Chair**

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

December 22, 2016
6:00 p.m.

City Hall
Council Chambers

CALL TO ORDER: Chair, Jess Frenzel 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: Kramka, Steffen, David, Hendricks, Frenzel, Lemmer, Miller, Smith

MEMBERS ABSENT: Berg

STAFF PRESENT: Casey Mai, Cory Boushee, Terri Ball

OTHERS: Daryl Lundberg

APPROVAL OF AGENDA:

Motion by Lemmer, second by Steffen, to approve the Agenda.

Motion carried unanimously

APPROVAL OF MINUTES:

Motion by Miller, second by Lemmer, to approve minutes from the November 17, 2016 Greater Bemidji Area Regular Joint Planning Commission as written.

Motion carried unanimously.

NEW BUSINESS:

Public Hearing:

Mai presented the first case:

PLANNING CASE – V-16-31.00682.00 – Northwoods Lumber

Applicant is requesting two (2) variances. The first variance being requested is a five (5) foot setback variance for an after-the-fact installation of a septic drain field placed fifteen (15) feet from a structure, as well as a variance for a sixty-five (65) foot setback for the after-the-fact installation of a septic drain field placed ten (10) feet from a wetland in a sensitive overlay area. Northwoods Lumber is located at 5102 HWY 71 N in a General Commercial District (B2) in Northern Township.

BACKGROUND

The JPB Ordinance is the regulating authority for the permitting of new septic systems as well as maintaining septic system compliance within the city and townships. This is granted through the Minnesota Rules Chapters 7080 through 7083, Subsurface Sewage Treatment Systems Program. The state requires counties to regulate individual and minor septic system permits as well as compliance. LGU's are allowed to adopt an ordinance, if it is as strict as the counties. In this case the Section 800 Sanitation Standards in JPB Ordinance would be stricter than the county ordinance.

In regards to septic systems MN Rules Chapter 7080 would not consider a lumberyard building a structure, this varies from the JPB definition.

PLANNING CONSIDERATIONS

In regulating locations for septic system drain fields or a mound system, there are concerns that need to be addressed. Including increased run-off draining towards the drain field and protecting the system during construction. Over the course of the past two years, JPB Staff has hired Dave Larson, a licensed septic consultant to review all septic permits and to provide recommendations for approval of installation. Staff generally takes Larson's recommendations as long as it is consistent with the GBAJPB Zoning and Subdivision Ordinance.

In this case, Mr. Larson contacted JPB staff in early November asking if staff had authority to administratively approve a variance. It was noted that JPB staff does not have authority to administratively approve a variance and that the applicant would need to complete a variance application and come before the JPC and the JPB for approval. That information was then relayed back to the septic installer; however, a septic permit and a variance application was submitted after the mound system was installed.

Mr. Larson recommended to JPB staff that the septic mound system be installed in this location and that it shouldn't move. His reasoning's are as follows: best location to protect the water table, not cross contaminating with the well, no impact to a wetland and not dealing with compacted soils. Other options were explored and were not applicable nor were they feasible.

JPB staff felt that the mound system could be installed just east of the primary lumberyard building; however, Larson stated with all the heavy traffic, the soils have been heavily compacted and would cause a problem for the septic system to function at its capability. Larson's decision to put the system where it was installed was simply based on the fact to eliminate wetland impacts. If the septic mound system was to be installed just northwest of the primary lumberyard building, Larson felt there was a chance that the well could get cross contaminated with the septic.

Based on Larson's inspection, the system that was installed appears to be properly installed and is in compliance with the guidelines found in chapter 7080. For an after-the-fact violation, the JPB has collected twice the amount of the fee cost.

Fire Marshal

The fire department had no concerns with the location of the septic system in regards to fire protection.

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. The proper construction steps for mitigating potential impacts was not followed due to installation occurring prior to obtaining information and permits from the GBAJPB. In keeping with the goals and policies of the comprehensive plan, all procedures would have been followed prior to installation. Keeping the septic mound system near the business structure and not having it placed in a wetland is in keeping with the ordinance

Agency Comment

Brent Rud, Environmental Services Director for Beltrami County sent over some information in an e-mail.

"Beltrami County has no concerns with this request since these are locally adopted rules that are a above and beyond State and County Rules and minimum standards. MN Rules Chapter 7080 does not have a required setback for a lumberyard business structure from a drainfield unless the LGU determines otherwise. Beltrami County typically does not require a setback for structures other than dwellings from drainfields. We do often put

conditions on land use permits for buildings placed close to drainfields or vice versa such as requiring runoff to be directed away from the drainfield.”

Neighborhood Comment

No neighborhood comments were received regarding the installation of the septic system.

RECOMMENDATION

Staff recommends approval based on JPB’s hired license consultant, Dave Larson’s recommendations although staff is not in agreement with the location of the septic system in a wetland sensitive overlay area and the obtaining of permits after-the-fact. The approval is for two variances to allow for a five (5) foot setback variance for an after-the-fact installation of a septic mound system placed fifteen (15) feet from a structure, as well as a variance for a sixty-five (65) foot setback for the after-the-fact installation of a septic mound system placed ten (10) feet from a wetland located in a sensitive overlay area.

Public Hearing opened at 6:25 p.m.

Applicant, Daryl Lundberg, described his steel building as having built-in over hang gutters which direct run off. Miller asked if Lundberg aware of needing septic permit. He affirmed the knowledge, but hired a contractor who was believed to be handling it. Discussion questioning tank type of previous system, but that remains unknown. Current system is located in where old septic was. Miller asked how five future buildings factor into septic issue. Applicant explained they will be used for cold storage, not to be inhabited. Discussion between commissioners and staff about following up on septic compliance by either inspection or verification. Kramka asked if there is a record of issues with this contractor. Staff is not aware of a trend. Frenzel stated concern with a contractor knowingly doing something wrong, and recommended a warning letter to be sent by staff to contractor. Lemmer commented if variance had come to us as it should have we would have added compliance inspection as a condition. More discussion about proposed consequences to contractor. Staff will bring concern of the JPC to the JPB meeting in January.

Public Hearing closed at 6:32 p.m.

Motion by Lemmer, second by Steffen to approve two variances as discussed with findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. The site is located on a parcel with significant topographic features presenting a difficulty for suitable locations for a septic mound system. Several options were explored by the JPB hired licensed consultant and deemed the

installation location the best option.

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

Yes. The septic system was placed in a location where the former septic holding tank was installed. The existing site is located in a wetland within a sensitive overlay area not leaving many alternative options.

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. Keeping the septic mound system near the business structure and not having it to be placed in a wetland is in keeping with the ordinance.

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

Yes. Other possible locations for the septic mound system could be approved without a variance, but could alter the character of the area, such as the wetland.

A roll call vote was requested:

Ayes: Smith, Lemmer, Frenzel, Hendricks, David, Steffen, Kramka

Nays: Miller

Absent: Berg

Abstain: None

Motion carried.

PLANNING CASE – PUD/CUP-16-31.00448.00 – Great Western Properties LLC

Applicant is requesting Preliminary / Final approval of a Planned Unit Development (PUD) located in an (R-5) High Density Residential District for the purpose of multi-family development composed of townhome duplexes. Including a mix of rental properties and owner-occupied properties in Northern Township.

BACKGROUND

On November 9th, 2016 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. Great Western Properties still plans to have a mix of rental and owner occupied units, as well as a diverse mixture of occupants from young professional to retirement age. It is still anticipated that this development will be completed in the next three (3) to five (5) years, but that is not guaranteed. This development was being proposed in two phases only Phase I is currently being platted. The applicant is not completely sure how Phase II will connect into the development. Therefore, the applicant is choosing not to include Phase II at this time, understanding it will take an amendment to the PUD and CUP for approval.

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Phase I consists of (21) duplex units or (42) individual two bedroom dwelling units. Each duplex unit will be served by a septic and well to be shared by each dwelling unit.

Phase I will also receive the amenities that are required of the applicant and will be completed at the time that 75% of the dwelling units are occupied.

The current development site proposal complies or exceeds the requirements for a Planned Unit Development in the R-5 zoning district.

Staff still feels that this development is at an appropriate density for a PUD in this location, as the density is still more closely in comparison than any other zoning district to the (R-3) district.

Each lot will be 100'x100' and 50% owned by each dwelling unit. This would equal 5,000 SF for each dwelling unit, meeting the (R-5) High Density Residential Requirement.

PLANNING CONSIDERATIONS

Septic System

Beltrami County Environmental Services request that a condition is put in place that requires MPCA approval of any additional septic systems beyond Phase I.

GIS/911 Addressing

The following comments were provided by Beltrami County GIS/911 services:

1. Northern Twp appears to have a legitimate road agreement with Mr. Hamilton that they intend to honor even with the development of this area into a CIC/PUD now. According to information received from them, the proposed roadway throughout the entire complex will become a public township road.
2. The intersection sign of Hamilton Park NW & Lakewood Dr NW will remain in its current location as installed.
3. The entire complex will be assigned one 911 address from the location where the entrance road meets with the loop (see attached drawing). This location will have the blue and white house number installed as well as the required location map of all units within the complex.
4. Those two structures already under construction and previously assigned addresses of 6857 Hamilton Park NW and 6873 Hamilton Park NW will be reassigned new addresses in compliance with the 911 Ordinance requirements for this type of complex once the CIC/PUD is finalized.
5. While the County will assign the new single 911 address for the entire complex, it will be up to the owner of the development to assign individual unit numbers to

each structure itself within the complex. Signs denoting the assigned unit numbers must be installed uniformly throughout the complex. The overall complex map and the unit signage are the financial responsibility of the developer.

6. Mail box locations for those wishing to receive mail via rural mail carrier to this area will be determined by the Bemidji Post Office. Residents will use the single assigned address for the complex along with their assigned unit numbers as their unique mailing addresses (i.e. John Doe, 12345 Hamilton Park NW, Unit 3, Bemidji, MN 56601).
7. No changes in addressing will take place in this area until such time as the CIC/PUD is finalized.

Fire Marshal / Police Considerations

No concerns were brought to the attention of staff from fire or police.

Neighborhood Comment

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

Comprehensive Plan References

This development is in conformity with the goals and policies for rural development in accordance with the Greater Bemidji Area Land Use Plan. Planned Unit Development is encouraged in these areas to help preserve open space, by promoting compact design.

RECOMMENDATION

JPB staff recommends approval for a Planned Unit Development Preliminary and Final Plat and Conditional Use Permit for the construction of 42 units on an 11.72 acre platted area a part of Parcel 31.00448.00 in the (R-5) High Density Residential district, with the following findings and conditions:

1. The final plat shall be recorded with Beltrami County within six months of approval by the JPB.
2. Any changes to roads or infrastructure must be approved by Northern Township and the Joint Planning Board.
3. Any changes to the final engineering plan must be reviewed and approved by JPB engineer and JPB.
4. Any additional septic systems must be confirmed to be allowed with MPCA.
5. Any additional tree removal beyond what is currently approved under tree permit TR-02-16 must be approved by JPB.
6. Any additional units or change to the current plat by more than 20% will require a major review of the PUD.

Public Hearing opened at 7:08 p.m.

Applicant, Adam Hamilton, was asked by Miller when project construction would begin. He explained it to be almost complete as the southeast unit exteriors are already done. Lemmer questioned presence of patios as per insets on design plan. Hamilton assured patios and explained dotted lines as being privacy fences. Hamilton further discussed proposed storage for ATV's etc. as per bylaws, and reluctance to place condition on pumping septics every 2 years until Dave Larson is consulted. Staff suggested an alarm system for septics. Frenzel commented on childrens' amenities no matter who pays for it. Hamilton has no problem designating a space, but reluctant to specify a cost to the new home owners. Discussion included Smith and Kramka. Ultimately, Hamilton thinks it is reasonable and appropriate to provide a \$2500 escrow for the playground amenities since he already anticipates other escrows. Staff will work with all parties to formulate language before presenting to the Joint Planning Board.

Public Hearing closed at 7:19 p.m.

Motion by Steffen, second by Miller to approve a Planned Unit Development Preliminary and Final Plat and Conditional Use Permit for the construction of 42 units on an 11.72 acre platted area a part of Parcel 31.00448.00 in the (R-5) High Density Residential district, with the following PUD conditions:

1. The final plat shall be recorded with Beltrami County within six months of approval by the JPB.
2. Any changes to roads or infrastructure must be approved by Northern Township and the Joint Planning Board.
3. Any changes to the final engineering plan must be reviewed and approved by JPB engineer and JPB.
4. Any additional septic systems must be confirmed to be allowed with MPCA.
5. Any additional tree removal beyond what is currently approved under tree permit TR-02-16 must be approved by JPB.
6. Any additional units or change to the current plat by more than 20% will require a major review of the PUD.

And with PUD findings:

1. The Plat and Declaration of CIC can be properly recorded with Beltrami County.
2. A development agreement for the road improvements in Phase I has been executed between Great Western Properties and Northern Township.
3. The lot sizes meet the requirements of the (R-5) zoning district.
4. The density of this development is well under what could be allowed within a (R-5) High Density Residential zone. The cluster design of this planned unit development creates an acceptable use of the property. Increased density in a rural environment accompanied by conservation of open space and

- amenities is acceptable. The current layout provides the best use of space, while still providing a rural open space development.
5. The plat and planned unit development meet the requirements of the GBAJPB Zoning and Subdivision Ordinance.
 6. Amenities provided meet the requirements of the zoning ordinance to allow flexibility from the zoning ordinance.
 7. A landscaping plan has already been provided and approved for this site.
 8. A final engineering plan has been provided and approved by a JPB engineer.

And with CUP conditions:

1. The community garden shall be constructed before a land use permit can be granted for the seventeenth townhouse unit. The community garden shall be at least the proposed 5,000 S.F. of fenced in area. Soil, watering system, secured storage for tools, solar access, and pedestrian access as applicable in accordance with Section 1105 D. of the zoning and subdivision ordinance shall be provided.
2. The dog park shall be constructed before a land use permit can be granted for the seventeenth townhouse unit. The dog park shall be built with best management practices. It shall be at least the proposed 0.62 acres in size as provided on the site plan. It shall have a minimum of six foot high fence, an area to separate small dogs from large dogs, and a dual gate system to allow for leashing and unleashing dogs.
3. The temporary path shall be provided before a land use permit can be granted for the seventh (7) townhouse unit. This is to be a mowed path on the east side of the development, where future amenities are to be provided.
4. The north path to the amenities shall become a permanent path at the completion of Phase I. It shall be of a durable surface such as bituminous or concrete at least six feet in width. The trail shall be designed to not have a grade steeper than 10%. A grading plan for the trail and escrow in the amount of \$10,000 shall be submitted to the JPB before a land use permit can be issued for the townhouse units to the north and south (Units 37, 38, 39, 40) of the trail. The escrow will be returned upon completion of the trail. A mowed connection from the south shall remain maintained.
5. A recreational amenity for children shall be provided before Phase I can be completed. A plan and escrow amount of \$2,500 shall be submitted to JPB prior to the last land use permit being issued for Phase I.
6. A sign permit will need to be applied for with fee for the Hamilton Park signage.
7. All lighting shall remain in compliance with the JPB Zoning Ordinance.
8. Any additional units or change to the current plat by more than 20% will require a major review of the CUP.
9. Final declaration of common interest community and plat shall be reviewed and approved by JPB attorney to ensure the required amenities are required to be built by the CIC or developer.
10. A covered bench shall be placed at the bus stop at the time of 75% completion of Phase I.

And with 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 zoned (R-5) high density residential, this development meets the density requirements. The development is still providing rural open space with the cluster style development.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;**
This intersection off of Lakewood Drive is the second intersection off this road adjacent to an already high traffic bar & grill entrance. It is not anticipated that increased traffic will have a negative effect on the proposed drive. Northern Township has made recent improvements to this drive in anticipation of increased traffic.
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 all residential homes, as well as a bar & grill establishment.
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan; and,**
This development is in conformity with the goals and policies for rural development in accordance with the Greater Bemidji Area Land Use Plan. Planned Unit Development is encouraged in these areas to help preserve open space, by promoting compact design.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Final engineering and grading plans have been submitted and approved by JPB engineer. The proposed plan for septic system and well is allowed by MPCA and the GBAJPB zoning and subdivision ordinance.

Roll call vote:

Ayes: Kramka, Steffen, David, Hendricks, Frenzel, Lemmer, Miller, Smith

Nays: None

Absent: Berg

Abstain: None

Motion carried unanimously.

OTHER BUSINESS:

Miller urged staff to give message to the Joint Planning Board that the Joint Planning Commission feels strongly that a written warning should be sent to the septic installer who installed this system without permit or authorization from the JPB consultant.

ADMINISTRATOR REPORT:

Mai summarized upcoming planning cases, updated JPC on Comprehensive Plan progress, current development projects, and technological updates. Year End Report was offered, but no presentation or discussion followed.

UPCOMING MEETING DATES:

January 11, 2017	6:00 pm	JPB Regular Meeting
January 26, 2017	6:00 pm	JPC Regular Meeting
February 8, 2017	6:00 pm	JPB Regular Meeting
February 23, 2017	6:00 pm	JPC Regular Meeting

Chair Frenzel reminded commissioners that this was his last JPC meeting, and he is proud of the organization and the important work it does. His time and efforts were recognized and appreciated by staff and commissioners.

ADJOURNMENT:

There being no further business, motion by Lemmer, second by Steffen to adjourn the Regular Planning Commission meeting at 7:31 p.m.

Motion carried unanimously.

Respectfully submitted.
Terri Ball
Planning Assistant

Approved and attested by: 
Joint Planning Commission Representative