

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

**Thursday, July 25, 2019
6:00 P.M.**

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

AGENDA

- | | |
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| <p>➤ Call to Order/Roll Call</p> | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, June 27, 2019 Regular Meeting | |

NEW BUSINESS

- | | |
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| 1. Visitors | Chair |
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Public Hearings

- | | |
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| 1. <u>City of Bemidji</u> - V-19-80.06248.00 – Fossen (60 Day Extension) | CM |
| 2. <u>Northern Township</u> - CUP-19-31.02235.00, 31.02236.00 – Mike Todavich | CM |
| 3. <u>City of Bemidji</u> - CUP-19-80.00143.00 – Robert Whelan | JC |
| 4. <u>Northern Township</u> – Z-19-31.00450.00 – John Forseth | CM |
| 5. <u>City of Bemidji</u> – V-19-80.01330.00 – John Holden | JC |

OTHER BUSINESS

- | | |
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| 1. Director’s Report | CM |
| 2. Upcoming Meetings | Chair |
| • August 14, 2019 5:00 pm JPB Regular Meeting | |
| • August 22, 2019 6:00 pm JPC Regular Meeting | |
| • September 11, 2019 6:00 pm JPB Regular Meeting | |
| • September 19, 2019 6:00 pm JPC Regular Meeting | |
| 3. Adjourn | Chair |

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

**July 25, 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, Steffen, David, Heinonen, Lahn, Lemmer, Miller, Smith

MEMBERS ABSENT: None

STAFF PRESENT: Steve Jones, Jamin Carlson, Terri Ball

OTHERS: Randal Fossum, Butch (John) Holden, Linda & Darrel Binkley, Mike Todavich, Matt Murray, Angie Jensen

APPROVAL OF AGENDA:

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

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by Heinonen, second by Lemmer, to approve minutes from the June 27, 2019, Greater Bemidji Area Regular Joint Planning Commission.

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

No one addressed the commission.

Public Hearing:

Carlson presented the first case:

PLANNING CASE – V-19-80.06248.00 – Fossen

Staff summarized events up to this meeting and the two (2) options recently offered by the applicant.

RECOMMENDATIONS

Since the variance request is for less than five (5) feet from a property line, this is not promoting best planning practices in the implementation of the ordinance and land use plan nor is it in keeping with the spirit and intent of the of the land use ordinance. To ensure uniform development throughout the Greater Bemidji Area, staff recommends the denial of a side yard setback reduction variance of nine (9) feet from Section 901 of the JPB ordinance in order to expand an existing accessory structure towards an adjacent property. Located at 3160 Birchmont Dr NE in the (R-3)

Suburban Residential Zoning District and the Shoreland Overlay of the City of Bemidji; parcel 80.06248.00.

Public Hearing opened at 6:08 p.m.

Angie Jensen stated that they are trying to stay within the ordinance requirements for parking, and asking to enlarge the garage to accommodate for additional drivers will keep up with the neighborhood standards. Jensen also stated that she expects fairness in the final decision, and compared the approval of the neighbor's 2007 variance.

Public Hearing closed at 6:10 p.m.

Motion by Heinonen to accept applicant's Option B (increase the height of the garage to the maximum 25', which can be administratively approved) and present it to the JPB at their August 14th meeting.

Motion withdrawn.

Motion by Faver, second by Steffen, to approve the variance for a 3.7' setback from their property line.

Motion and second withdrawn.

Motion by Heinonen, second by Smith to deny the nine (9) foot variance which upholds the June 27th JPC decision.

Motion carried unanimously.

Motion by Heinonen, second by Lemmer, to send JPC approval of building up the garage not to exceed 25' (Option B) by the applicant, to the JPB.

Motion carried unanimously.

Jones presented the second case:

PLANNING CASE – CUP-19-31.02235.00, 31.02236.00 – Mike Todavich

Mike Todavich of Matrix Properties LLC is requesting a conditional use permit (CUP) to construct a new building for the use of warehouse and storage on two (2) vacant parcels, 31.02235.00 & 31.02236.00 within Northern Township located along Pine Street NW. These parcels are part of the proposed 2020 annexation into the City of Bemidji.

BACKGROUND

The applicant just recently purchased these two (2) properties for the purpose of developing on them. The applicant intends to construct a building that will be leased out for the use of warehouse and storage. The company that plans to lease the site has not been disclosed at this time, but it was indicated that approximately four (4) to six (6) individuals will be occupying the premises on an average each day. These two (2) parcels are currently vacant and located in Northern Township.

The Greater Bemidji Area Zoning Ordinance per Section 302 allows for warehouse and storage

facilities to be located in low density commercial areas with the approval of a CUP. A CUP allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a method to minimize any potential impact the use may have.

Per Section 109 of the Greater Bemidji Zoning Ordinance, Warehouse Storage and Distribution Facility is defined as: *A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck storage, maintenance, and administrative offices.*

PLANNING CONSIDERATIONS

This property is surrounded by predominantly low density commercial to the west and south, vacant land to the east, and to the direct north is a single-family house with a man-made stormwater basin. The use of a warehouse storage facility is common in a low density commercial district.

Lot Combination

Prior to issuing a land use permit for this development, a lot combination is required for the combining of the two (2) properties into one (1) lot of record. This will allow two (2) nonconforming lots to make one (1) conforming lot, per Section 402 of the GBAJPB Zoning & Subdivision Ordinance.

Parking and Traffic

Section 1009 of the JPB Zoning & Subdivision Ordinance requires that warehouse and storage have one (1) space for each three (3) employees on maximum shift. At this time, the applicant is proposing to install twelve (12) parking spaces in the front of the structure. The applicant did note to staff that the proposed tenants may want additional parking to the north and rear of the building and if so, a final site plan will be submitted with all civil drawings for review.

No curb cut access shall exceed twenty-four (24) feet in width, except upon approval from the Road Authority and the Planning Administrator. A driveway permit will need to be obtained from Northern Township for the proposed access off Pine Street NW, as this road is under the jurisdiction of Northern Township.

Landscaping

Per Section 1006 of the JPB Zoning & Subdivision Ordinance, the site requires one (1) tree per fifty (50) lineal feet of street frontage along with one (1) tree for every 1,400 square foot of minimum required pervious site surface. A total of thirty-eight (38) trees are required throughout the property with at least six (6) located along Pine Street NW within the front yard setback along the street frontage. This site does have quite a few trees standing on the north side of the property, but the total number at this time is unknown. The site plan shows the required six (6) trees along the street frontage; however, a final landscaping plan shall be submitted for JPB staff approval prior to obtaining a land use permit, indicating the type, size and location of all required trees.

Lighting

All exterior lighting proposed for this development shall meet Section 1008 of the JPB Zoning & Subdivision Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval prior to land use permit being issued.

Signage

No exterior wall signage or freestanding signage was indicated on the site plan. All signage must comply with Section 712 of JPB Zoning & Subdivision Ordinance and a sign permit shall be obtained prior to installation.

Trash Handling

At this time, the applicant has indicated a dumpster location northeast of the proposed building. The dumpsters shall be fully enclosed with a trash enclosure complying with Section 1002 of the JPB Zoning & Subdivision Ordinance.

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

The Building Department, nor the Fire Department had any concerns regarding the site plans for the proposed expansion. A land use permit will need to be issued prior to construction. An E-911 address will need to be obtained from the Beltrami County GIS Department. Stormwater as-builts will need to be submitted to the City GIS Department. The Engineering Department will require following is a list of deliverables from a licensed engineer prior to obtaining land use permit approval:

- Grading & Drainage Plan – To include stormwater calculations meeting requirements stated in City of Bemidji Surface Water Management Plan and Stormwater Design Guide. Owner shall not exceed existing conditions for stormwater heading toward public right of way. Project shall also meet ADA regulations.
- Erosion Control & SWPPP – A plan for sediment and erosion control will need to be submitted and approved.

Neighboring Property Owner input

At the time of writing the report, no neighborhood input was obtained.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies that supports this conditional use permit (CUP.)

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 of a conditional use permit (CUP) to construct a new building for the use of warehouse and storage on two (2) vacant parcels, 31.02235.00 & 31.02236.00 within Northern Township located along Pine Street NW with the following conditions:

1. Final engineering, grading, and utility plans from a licensed engineer will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
2. A land use permit shall be obtained prior to any construction taking place on site.
3. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB staff review.
4. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.

5. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
7. A driveway permit shall be approved by both Northern Township and the City of Bemidji.
8. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.
9. The conditional use permit shall expire and become void if the warehouse and storage facility is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The 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 6:33 p.m.

Mike Todavich answered Commissioner Miller's question about developing in wetland areas. Todavich explained that he is within the limits of 60% impervious and 40% pervious surface. Commissioner Smith questioned the noise issue, and asked if there are any concerns. Todavich described the dense tree coverage between the development and the neighbor's residential parcel, and has no concerns about noise.

Public Hearing closed at 6:35 p.m.

Motion by Miller, second by Heinonen, to suggest approval to the JPB for a conditional use permit (CUP) on parcels 31.02235.00 & 31.02236.00 with the following conditions:

1. Final engineering, grading, and utility plans from a licensed engineer will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji GIS Department before any construction can commence.
2. A land use permit shall be obtained prior to any construction taking place on site.
3. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB staff review.
4. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
5. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
6. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
7. A driveway permit shall be approved by both Northern Township and the City of Bemidji.
8. The developer/owner shall enter into a development agreement with the JPB and the City of Bemidji prior to construction.
9. The conditional use permit shall expire and become void if the warehouse and storage facility is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The 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. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**
No. A warehouse and storage facility use conforms to the zoning regulations as a permitted CUP in the (B-1) Low Density Commercial Zoning District. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding residential or commercial areas.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**
No. Increases in traffic or other negative impacts are not anticipated as this facility will see low volumes in traffic with an occasional delivery to the site. The applicant is providing adequate off-street parking on the property.
3. **Whether the proposed use adversely affects property in the surrounding area.**
No. Adverse impacts upon the surrounding area are not anticipated with this proposal as other warehouse and storage facilities are already located on nearby parcels along Pine Street NW and Minnkota Avenue NW. Any future changes shall be reviewed in accordance with all zoning requirements.
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**
Yes. The proposed use is consistent with the goals and policies of the Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Yes. The property will be served by a private well and septic system as well as proper stormwater mitigation that will be designed by a licensed professional. City services are not available for this location at this time.

Motion carried unanimously.

Carlson presented the third case:

PLANNING CASE – CUP-19-80.00143.00 – Robert Whelan

Robert Whelan of Whelan Properties Inc. is requesting approval of a conditional use permit (CUP) for the removal of more than sixty percent (60%) of the high quality significant trees on site in order to build the second twenty-six (26) unit efficiency apartment structure. A CUP approval is also requested for greater than thirty (30) units on a parcel, as the second building will bring the site total to fifty-two (52) efficiency units and this will be located on the eastern part of the parcel in the (R-6) Multi-Family Zoning District located at 1801 Norton Ave. NW within the City of Bemidji.

BACKGROUND

Whelan Properties Inc. currently has a twenty-six (26) unit efficiency apartment building that was completed in 2018 on the parcel. A development agreement will be entered into between Whelan Properties Inc., City of Bemidji, and the Greater Bemidji Area Joint Planning Board for the construction of the project.

PLANNING CONSIDERATIONS

This property is surrounded by predominantly multi-family housing to the west and north along with senior housing to the south, and single family homes to the east. This use is common in a multi-family or high density residential district as it is the most flexible zoning district for residential properties, allowing for a mixture of uses.

Parking

Section 1009 of the JPB Ordinance requires that parking be based on one (1) space per bedroom, plus 0.25 additional space per dwelling unit for guest parking. This development would require sixty-five (65) parking spaces for the proposed fifty-two (52) efficiency apartment units. The site plans show a total of fifty-nine (59) parking spaces along with the required interior green space for the total lot coverage.

Landscaping

Per the JPB Zoning and Subdivision Ordinance, the site requires one (1) tree for every 900 square foot of minimum required pervious site surface. For the proposed project, a total of ninety-one (91) high quality significant trees were counted and the applicant is proposing to remove fifty-five (55) high quality significant trees on site for construction. The locations of trees being removed and preserved are noted on the site plans.

Lighting

All lighting proposed for this development shall meet Section 1008 of the JPB Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval.

Signage

Any signage may require a sign permit. All signage must comply with Section 710 of JPB Zoning and Subdivision Ordinance.

Trash Handling

A second dumpster location has been noted on the site plan. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Zoning and Subdivision Ordinance.

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

The Building Department, nor the Fire Department had any concerns regarding the site plans for the proposed expansion. A building permit will need to be issued prior to construction.

The following is a list of deliverables the Engineering Department will require prior to approval:

Grading & Drainage Plan – To include stormwater calculations meeting requirements stated in City of Bemidji Surface Water Management Plan and Stormwater Design

- *Guide. Owner shall not exceed existing conditions for stormwater heading toward public right of way. Project shall also meet ADA regulations.*
- *Erosion Control & SWPPP – A plan for sediment and erosion control will need to be submitted and approved.*

GIS/911 Addressing

If the CUP is approved, the building within the development would receive its own fire number (E911 address), and would require signage displaying the location of all units within the proposed building. All addressing for the development will need to comply with the City of Bemidji GIS Department requirements.

Neighboring Property Owner input

At the time of writing the report, no neighborhood input was obtained, however, one (1) comment was received that approves the project and requests screening, and one (1) comment was in opposition to the increase of density and traffic.

Comprehensive Plan References

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.*

RECOMMENDATIONS

Staff recommends approval of a Conditional Use Permit to build a twenty-six (26) unit efficiency apartment (2nd Phase) for a total of fifty-two (52) units in the R-6 Multi-Family Zoning District located at 1801 Norton Ave NW within the City of Bemidji with the following conditions:

1. Final engineering, grading, and utility plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji Fire Department before any construction can commence.
2. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department, with a building permit obtained prior to construction.
3. A tree removal permit will need to be approved prior to removing trees on site.
4. All lighting on-site will need to comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
5. Any signage needs to meet Section 710 of the JPB Ordinances and a permit must be granted if necessary before any additional signage is placed on site.
6. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
7. The conditional use permit shall expire and become void if the efficiency apartments are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The 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 6:50 p.m.

Matt Murray stated the minimum tree requirement is 29, yet the applicant is proposing 36 significant, high quality (greater than 8 caliper inches) trees. He further explained that they are trying to preserve as many trees as possible and will have more than requirement. Murray commented that the applicant has attempted to keep good screening wherever possible. Parking patterns have been observed by Murray, which have provided counts of available spaces at documented times. Murray will continue observing parking patterns, as per the ordinance clause in Section 1009 B which may allow approval of an alternate parking plan without a variance. Commissioner Miller questioned the outlet to the south. Murray explained that it is designated space for fire truck turn around. Commissioner Lemmer asked if the current unit's garbage

enclosures have gates. Murray suspects that a gate exists, and will confirm, but it is not often closed by renters. Lemmer also questioned water run-off on the site. Murray described that the east end is lower, so the parking lot was built up and water drains to the west, and a retention basin is located to the south of the parking lot. Randy Fossum, Manager of BirchHaven Village, described the facility as 42 housing units for independent seniors. Fossum stated that he has no objection to the project; however, his residents have concern about the frequent lights sweeping in and out of the parking lot and therefore request screening. Murray asked if there is a specific area to be screened, and Fossum identified the open areas to the south as seen on the aerial photo. Commissioner Berg stated concern about the proximity to residential homes, and encouraged screening. Commissioner Smith asked Murray if applicant would be amenable to adding barriers. Murray believes the applicant would be amenable, if the request is reasonable. Darrel Binkley stated that he is opposed to the project because traffic is already a problem; Norton Avenue to the west is needing repair; he doubts that developers keep to their plans of preserving trees; and has lights shining into his yard all the time. He also spoke of several neighbors who are also opposed, but were unable to attend this meeting. Binkley would like the developer to hold off on the project. Linda Binkley is also opposed to the project. Her family has owned the same property for 75 years, and states that the traffic is already bad, and notes daily law enforcement stops, as well as not being able to drive through the alley, and the immediate need for road maintenance.

Public Hearing closed at 7:08 p.m.

Motion by Faver, second by Miller to recommend approve a Conditional Use Permit to build a twenty-six (26) unit efficiency apartment (2nd Phase) for a total of fifty-two (52) units with the following conditions:

1. Final engineering, grading, and utility plans will need to be approved for review by JPB staff, City of Bemidji Public Works staff, and Bemidji Fire Department before any construction can commence.
2. Final building plans will need to be approved by the City of Bemidji Building Department and Bemidji Fire Department, with a building permit obtained prior to construction.
3. A tree removal permit will need to be approved prior to removing trees on site.
4. All lighting on-site will need to comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
5. Any signage needs to meet Section 710 of the JPB Ordinances and a permit must be granted if necessary before any additional signage is placed on site.
6. All dumpsters shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
7. The conditional use permit shall expire and become void if the efficiency apartments are not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.
8. Fencing or adequate screening, as approved by staff, shall be placed on south side of the parcel.

And Findings of Fact:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**
No. The proposed project is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area.
2. **Whether the proposed use adversely affects traffic conditions and parking on**

adjacent streets and land.

No. Increases in traffic or other negative impacts are not anticipated. All parking will be provided on-site (off-street parking).

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

No. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area. The subject lot is properly zoned as multiple family for the proposed project.

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 current and future goals of the Comprehensive Plan as well as the Zoning & Subdivision Ordinance.

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

Yes. The property has adequate public infrastructure and is served by city services.

Motion carried unanimously.

Jones presented the fourth case:

PLANNING CASE – Z-19-31.00450.00 – John Forseth

John Forseth of Forseth Properties, LLC is requesting a rezone of the property, parcel 31.00450.00, from (R-1) Rural Residential to (B-1) Low Density Commercial. The applicant is requesting to build a storage structure for his business off of Lakewood Dr NW and Highway 71 within Northern Township.

BACKGROUND

The applicants recently purchased this property on the west side of Highway 71 and the south side of Lakewood Dr NW. This parcel is approximately six (6) acres in size, with half the land made up of wetlands. Roughly a little over three (3) acres of the property is on high ground and is buildable. The property is currently zoned (R-1) Rural Residential. This property currently has a single-family home residing on the property, which will be removed prior to the construction of the storage structure for their business. The applicant plans to remove the existing failing septic and will install a new system to that will adequately serve his business.

In 2012, this property was approved a conditional use permit and a height variance for an indoor recreational facility for the Bemidji Area Tennis Association (BATA). However, this facility was never constructed and the property has now changed ownership.

PLANNING CONSIDERATIONS

Adjacent Zoning and Land Use

The proposed development is surrounded by a mixture of uses. To the direct west, the adjacent property is zoned rural residential before transitioning to conservation land. To the northwest is the Great Western Properties Development which is zoned for high density development. To the direct north and along the northwest side of Highway 71 we have low density commercial properties, such as Lazy Jacks Bar & Grill and Benson's Auto Dealership. Directly to the east is Highway 71 and east of that is rural residential and suburban residential before transitioning to low density commercial to the south.

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

The south portion of the property is a sensitive area made up of wetlands according to the National Wetland Inventory map from 1979. The north half of the lot, a little over three (3) acres is on high ground and is deemed buildable.

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.

Beltrami County Environmental Services

Bill Best, Environmental Resource Specialist for Beltrami County Environmental Services, reviewed the site and stated the south half of the lot appears to be wetland. Looks like an easily distinct edge.

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

The Development Team had no concerns with this rezone request.

Neighborhood Comment

At the time of writing this report no neighborhood comments 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 31.00450.00, from (R-1) Rural Residential to (B-1) Low Density Commercial. The applicant is requesting to build a storage structure for his business off of Lakewood Dr NW and Highway 71 within Northern Township.

Public Hearing opened at 7:25 p.m.

Public Hearing closed at 7:25 p.m.

Motion by Steffen second by Smith to approve for a rezone of the property, parcel 31.00450.00, from (R-1) Rural Residential to (B-1) Low Density Commercial with the following 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 and 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 currently has a well and septic system that serve a single family-home. The new proposed business would be required to meet all well, septic and stormwater requirements prior to occupying.

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

No. This is not a correction. However, through the newly 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.

Carlson presented the fifth case:

PLANNING CASE – V-19-80.01330.00 – John Holden

John Holden is requesting 1.) A side yard setback reduction of seven feet three inches (7' 3") from the required setback of seven feet six inches (7' 6") for the purpose of reinstalling stairs for ingress and egressing the existing upstairs door along with 2.) Adding fifty-one (51) square feet of addition impervious surface coverage for the proposed stairwell. The prior stairs were removed a few years back and were not replaced immediately causing the property to lose its legal nonconforming right.

BACKGROUND

The applicant met with staff about replacing his stairwell that had fallen down some time ago. The owner states that the door has a seven (7) foot drop to the ground and it could act as a fire escape for the three (3) bedrooms. Also, having the door and stairs being functional would make moving large items more practical as well. Currently the door without stairs does create a safety hazard.

PLANNING CONSIDERATIONS

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

The Building Department, GIS, Public Works, nor the Fire Department had any concerns regarding the proposed variance request.

Neighboring Property Input

At the time of writing report, no neighborhood input was obtained. Since the report, one neighbor spoke in support of the project.

Comprehensive Plan References

Objective 4.1: Preserve the Quality Residential Neighborhoods

Thriving neighborhoods are important to a growing community as well as ensuring that existing neighborhoods are not consistently replaced with multi-family or commercial development that could increase rural sprawl. It is also important to allow existing non-conforming residential areas to be redeveloped.

RECOMMENDATIONS

Staff recommends approval of a variance to decrease the north side yard setback from the required 7 foot 6 inches to 3 inches and to increase impervious surface coverage by fifty-one (51) square feet on parcel 80.01330.00, with the following condition:

1. A building permit shall be obtained before any construction begins.
2. 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 use 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 7:36 p.m.

John Holden asked to rebuild the stairs where they were previously located. He stated that the current situation is dangerous because the door is seven (7) feet up from the ground. Holden further described the interior switchback stairway which does not allow for moving large furniture, so the exterior stairway would be used for ingress and egress as well as for ease of hauling items to the upstairs bedrooms. Commissioner Smith asked how near the neighbor is, then staff used GIS mapping to measure the distance as 23' – 24'. Commissioner Berg asked staff if the applicant could rebuild the stairs without a variance if it was not for the 180 day limitation, which staff affirmed.

Public Hearing closed at 7:39 p.m.

Motion by Steffen, second by Faver to send approval to the JPB for the variance on parcel 80.01330.00, with the following conditions:

1. A building permit shall be obtained before any construction begins.
2. 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 use 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 applicant states that the house sits 3 feet 3 inches from the north side yard line and the stairwell was there before it rotted away. The timeframe for rebuilding

without a variance passed and the homeowner was unaware of the timeline.

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

Yes. The building was built prior to today's zoning standards and this was not caused by the current owner.

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. Most homes in this area are legal non-conforming structures. This action would be keeping with the spirit, purpose and intent of the Zoning Ordinance.

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

Yes. The proposed variance request would fit well within the surrounding area and would not alter the character.

Motion carried unanimously.

OTHER BUSINESS:

DIRECTOR REPORT

Carlson summarized the Board's decisions on recent planning cases, noted updates on development projects, and reminded all that the next Joint Planning Board meeting begins at 5:00 pm.

UPCOMING MEETING DATES:

August 14, 2019	5:00 pm	JPB Regular Meeting
August 22, 2019	6:00 pm	JPC Regular Meeting
Sept. 11, 2019	6:00 pm	JPB Regular Meeting
Sept. 19, 2019	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Heinonen, second by Faver, to adjourn the Regular Planning Commission meeting at 7:44 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball
Planning Administrative Assistant

Approved and attested by:



Joint Planning Commission Representative