

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

**Thursday, January 23, 2020
6:00 P.M.**

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

AGENDA

- | | |
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| ➤ Call to Order/Roll Call | Chair |
| ➤ Pledge of Allegiance | |
| ➤ Approve Agenda | |
| ➤ Approve Minutes | |
| • Thursday, December 19, 2019 Regular Meeting | |

NEW BUSINESS

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

- | | |
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| 1. <u>City of Bemidji</u> - V-20-80.00158.01 – Bemidji Retail Management LLC | CM |
| 2. <u>Northern Township</u> – V-20-31.00126.02 – Jay Hill | JC |
| 3. <u>City of Bemidji</u> – IUP-20-80.00979.00 – Nameless Coalition | CM |
| 4. <u>Northern Township</u> – V/CUP-20-31.01046.00 – Northern Township | JC |

OTHER BUSINESS

- | | |
|-------------------------------------|----------------------------|
| 1. Director’s Report | |
| 2. Election of 2020 Officers | |
| • Chair | |
| • Vice Chair | |
| 3. Upcoming Meetings | Chair |
| • February 12, 2020 6:00 pm | JPB Regular Meeting |
| • February 27, 2020 6:00 pm | JPC Regular Meeting |
| • March 11, 2020 6:00 pm | JPB Regular Meeting |
| • March 26, 2020 6:00 pm | JPC Regular Meeting |
| 4. Adjourn | Chair |

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

**January 23, 2020
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, Steffen, David, Heinonen, Lahn, Miller, Smith

MEMBERS ABSENT: Faver, Lemmer

STAFF PRESENT: Casey Mai, Jamin Carlson, Terri Ball

OTHERS: Jess Frenzel, Jonathan McNicholes, Libby Underhill, Mark Fuller, Cindy Olson, Matt Murray, Mark & Brenda Thorson, Steve Engel, Clark Chambers, Lora J. Bartelson, Shep Wilimek, Sherilyn Brumback, Jay Hill, Steve Hill, Carey Heartborne, Colleen Joyce, Brent McWithey, Emelie Rivera, GaryBarnet

APPROVAL OF AGENDA:

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

Motion carried unanimously.

APPROVAL OF MINUTES:

Motion by David, second by Heinonen, to approve minutes from the December 19, 2019, Greater Bemidji Area Regular Joint Planning Commission as presented.

Motion carried unanimously.

NEW BUSINESS:

VISITORS:

Public Hearing:

Mai presented the first case:

PLANNING CASE – V-20-80.00158.01 – Bemidji Retail Management LLC

Applicant submitted formal withdraw of variance to staff on 1/23/2020.

Public Hearing opened at 6:03 p.m.

Public Hearing closed at 6:03 p.m.

Carlson presented the second case:

PLANNING CASE – V-20-31.00126.02 – Jay Hill

Jay Hill is requesting a variance from Section 1109 of the GBAJPB Ordinance to be able to build a one (1) inlet/outlet road, functioning similar to a cul-de-sac exceeding the maximum length of five-hundred (500) feet for the Acorn Ridge Plat.

BACKGROUND

The Applicant met with JPB staff to discuss the road design and the reasoning for keeping the current plat configuration. The Applicant stated that topography of the parcel along with the shape of the lot creates problems for more than one access off of Whiting Road. Ultimately, the Applicant is seeking a variance from Section 1109 of the Greater Bemidji Area Zoning & Subdivision Ordinance to create a one (1) inlet/outlet road for the proposed single-family housing subdivision. A total of thirty-eight (38) lots will be platted within the subdivision that will access this one (1) inlet/outlet road. This subdivision recently went through the preliminary plat subdivision process with the Commission on November 21, 2019 and ultimately before the Board on December 11, 2019. Both the Commission and the Board were in support of the preliminary plat layout.

The proposed road prior to the loop is approximately a little over sixteen hundred (1,600) feet in length and is roughly one and one-tenth (1.1) of a mile from the start of the development before exiting back out onto Whiting Road. Staff noted during the preliminary plat process that using best planning practices, all new developments should have multiple ingress/egress for protecting the public health, safety, comfort, convenience and general welfare as well as to promote the beneficial and safe interaction between the use of land, buildings, and people for the circulation of vehicular, bicycles, and pedestrian traffic, including active transportation and complete streets, throughout the Greater Bemidji Area. It was highly encouraged at that time and eventually became a condition that a variance shall be obtained for a one inlet/outlet road, functioning similarly as a cul-de-sac exceeding the maximum length of five-hundred (500) feet or a through road be designed within the platted development to allow for second means for entering or exiting. At this time, the Applicant is seeking a variance with the blessing of Northern Township, the local road authority.

PLANNING CONSIDERATIONS

In regards to interpretation, staff interprets the proposed road functions similarly as a cul-de-sac as the road is a minor street with one (1) inlet/outlet and ends in a circle or turnaround as defined Section 109 of the Ordinance. Although your typical cul-de-sac had a bulb, this type of road design still functions similar as it is not a through street and/or ultimately a dead-end.

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.

Development Team (Fire Department)

Dave Hoefer, Fire Chief had no concerns with this variance request as long as proper wildfire

mitigation is incorporated throughout the development.

Neighborhood Comment

At the time of writing this report, no neighborhood input was received in regards to the variance request for the one inlet/outlet road exceeding five hundred (500) feet in length.

Comprehensive Plan References

The newly adopted Greater Bemidji Area Comprehensive Plan has identified the following objectives and strategies for this type of development.

Objective 4.1: Preserve the Quality Residential Neighborhoods

- 4. Allow flexibility with site design standards to ensure high-quality development.**
Allowing for greater flexibility of zoning ordinances or density requirements for meeting site development criteria, such as increased live landscaping, stormwater retention areas, active recreation amenities, or park area, can provide a benefit to developers while Land Use 20 ensuring a high-quality neighborhood is being designed or redeveloped.

Objective 4.3: Promote Land Use Decisions that Protect the Natural Environment through Smart Growth and Sustainable Practices

- 1. Utilize guidelines for land use practices conserving natural landscapes and allow zoning flexibility for implementation.** *Zoning flexibility can be initiated for development to ensure protection and conservation of natural landscapes on a site such as bluffs, steep slopes, trees, or wetlands, lakes, and streams.*

RECOMMENDATIONS

During the preliminary plat process, the Joint Planning Commission and the Joint Planning Board both determined this type of road would function similar in nature to a cul-de-sac. If the Commission and the Board both feel this is best possible road option available for the proposed subdivision, then approval shall be recommended with the following conditions:

1. A tree inventory and tree removal permit shall be obtained prior to any trees being removed on the property.
2. 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.
3. The variance shall expire and become void if the road 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 road 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 6:11 p.m.

Matt Murray stated that this project has presented all three (3) aspects required in a variance. No questions or comments followed.

Public Hearing closed at 6:12 p.m.

Motion by Heinonen, second by Steffen, to approve a variance to build a one (1) inlet/outlet road, functioning similar to a cul-de-sac exceeding the maximum length of five-hundred (500) feet for the Acorn Ridge Plat, with the following conditions:

1. A tree inventory and tree removal permit shall be obtained prior to any trees being removed on the property.
2. 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.
3. The variance shall expire and become void if the road 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 road 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. This existing lot of record is unique and oddly shaped due to the original lot being subdivided for other single-family development. Approximately, a little over fifty-nine (59) acres remains of the original eighty (80) acres. The configuration of this road eliminates having multiple road accesses and driveway approaches in close proximity along Whiting Road NW, providing a safer mean for entering and exiting the development.

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

Yes. The proposed road configuration is due to the shape and narrowness of the existing parcel, along with the location of wetlands and the topography of the land. The Owner is attempting to preserve as much of the uniqueness and nature of the property as possible through the development of this plat and the creation of this road.

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 request is proposing to create a public road that will be built to Township standards to provide access to abutting lots within the proposed plat of Acorn Ridge. This road will function similar to other one (1) inlet/outlet roads that have been approved by Northern Township in the past.

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

Yes. The proposed road configuration is designed to preserve the essential character of the surrounding area as it does not have any direct impact on the adjacent previously developed properties. Similar road configurations have been created in the surrounding area and have had no impact as they continue to properly function today.

Motion carried unanimously.

Mai presented the third case:

PLANNING CASE – IUP-20-80.00979.00 – Nameless Coalition

The *Nameless Coalition* is requesting an amendment to their existing Interim Use Permit (IUP) in order to add additional beds to the existing building, located at 522 America Avenue NW in the (UR) *Urban Renaissance* “downtown” district of the City of Bemidji. This facility is a seasonal/nighttime homeless shelter for chronic inebriates.

BACKGROUND

In August of 2015, the Nameless Coalition was approved an IUP and a variance in order to convert an existing vacant church building into a seasonal homeless shelter for chronic inebriates. The church was the former home of the Unitarian Church. Per Section 302 of the Greater Bemidji Area

Zoning & Subdivision Ordinance, Transitional Housing, Homeless Shelters, & Warming Centers require the approval of an IUP. A variance was approved in 2015 for the shelter being located within five-hundred (500) feet of a library. The original IUP limited the shelter to operate seasonally from October to April with the hours of operation from 6:00 p.m. to 9:00 a.m. The maximum adult clients, eighteen plus (18+) years old, allowed to be housed at one time was sixteen (16). The site contains two (2) shower stalls and two (2) toilets for the clients to utilize.

The IUP amendment is to allow the Applicant to add an additional ten (10) beds to the center; however, at this time, the Applicant is requesting to allow up to the maximum capacity of the center as set by the City Building and Fire code. On January 22nd, 2020, the City Building Official, the City Fire Chief and the State of Minnesota Department of Health Inspector plan to do a walk-through of the building to access the maximum capacity, along with inspection of the structure itself for code compliance.

PLANNING CONSIDERATIONS

Per the GBAJPB Zoning Ordinance, clinics that provide psychiatric counseling require the issuance of an Interim Use Permit by the JPB to be located in the Urban Renaissance (UR) zoning district. A community cannot use its zoning authority to discriminate against classes of people that it does not want to accept, such as substance dependent persons, individuals with behavioral disorders, etc. Therefore, the use is allowed following a public hearing with conditions to ensure the safety of both the clients of the facility as well as the public.

Parking and Transportation

One condition under the original IUP was that the Applicant create a minimum of two (2) parking stalls on site located off of the alley to allow for staff parking. There is adequate room for two (2) to four (4) vehicles to be parked on site, depending on size of vehicles. All sidewalks surrounding the Wolfe Center on a day of a site visit were completely covered in snow. All sidewalks shall be removed of snow with twenty-four (24) hours of any snow event.

Lighting

All exterior lighting existing for this site shall be shielded to prevent lighting from shining in the right-of-way complying with Section 1008 of the JPB Zoning & Subdivision Ordinance. A lighting plan showing fixtures and shielding will need to be submitted for approval prior to adding the additional beds.

Trash Handling

The site currently doesn't not have any dumpsters located on it. Any dumpsters or recycling containers brought on-site shall be fully enclosed complying with Section 1002 of the JPB Zoning & Subdivision Ordinance. Such areas shall be completely screened and enclosed on all sides, except the roof, with an enclosure or screening wall with durable and opaque material at a minimum of six (6) feet in height. At this time, all trash and recycling shall be stored indoors or an enclosure be constructed.

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

No concerns from Public Works/Engineering, the Fire Department or GIS regarding this IUP amendment. Police Chief Mike Mastin also had no concerns with this request and provide call logs for this property for both 2018 and 2019, see attached at the end of the report.

The Building Official has setup a time for January 22nd to do an extensive walk-through of the building to check for compliance as well as to gauge a maximum occupancy for the number of adults staying within the structure at one time. Department of Health will partake in the walk-through as well to determine whether any future licensing will be required.

Neighboring Property Owner input

At the time of writing the report, one neighborhood comment was obtained in support of the additional capacity of overnight lodging at the Wolfe Center.

Comprehensive Plan References

The proposed use in (UR) Urban Renaissance district is consistent with the Greater Bemidji Area Comprehensive Plan as well as the Zoning & Subdivision Ordinance; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

RECOMMENDATIONS

Staff recommends approval of an interim use permit amendment for the expansion of the homeless shelter on parcel 80.00979.00, located at 522 America Avenue NW within the City of Bemidji provided all requirements of the Ordinance are met, subject to the following conditions and findings of fact:

1. The IUP shall be reviewed for compliance on an annual basis by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
2. The applicant shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.
3. There shall be no more adult clients housed at this location than what the maximum capacity allows.
4. The Applicant shall comply with all State Building Code requirements with the City of Bemidji Building Department as well as obtaining all licenses through the Department of Health.
5. No loitering on adjacent properties, in City streets or on sidewalks will be permitted prior to the opening of the facility for each night.
6. The applicant shall remove snow from all sidewalks with twenty-four (24) hours of any snow fall event.
7. All outdoor activities shall continue to take place within the rear fenced yard.
8. All existing exterior lighting shall come in full conformity with Section 1008 of the JPB Zoning Ordinance.
9. Any dumpsters brought on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
10. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or any other change as may be determined by the JPB Staff.
11. JPB Staff may administratively approve a change in the operator, and/or lease space at this address without termination of the IUP, provided a complete and satisfactory review of the proposed change is conducted and there is no change in the approved IUP.

Commissioner Miller announced that she serves as Treasurer on the Nameless Coalition Board of Directors, so she will abstain from voting.

Public Hearing opened at 6:25 p.m.

Jon McNicholes, Vice Chair of the Nameless Coalition Board of Directors, and Marcus Woods, Manager, spoke to the Commissioners about the funding opportunity for the increased availability to house the homeless in emergency situations. During the recent inspection with the Building Official and the Fire Chief, improvements were suggested, and it was made known that a higher level of scrutiny will be imposed through the State Building Official oversight. Commissioner Smith asked if anyone has ever been turned away after all the beds were occupied. Woods stated that

they work with several local agencies and they manage to find a bed somewhere. He also stated that the Police Department lobby is always a safe option from the elements. Smith urged applicants to keep their sidewalks shoveled. Marvin Clark spoke with gratitude for the Nameless Coalition and staff who helped him in a time of need, in which gave him hope. Since using the provided services, Clark has found steady employment and has turned his life around. Sherilyn Brumback, of the Bemidji Public Library, commented that she had concerns before the Wolfe Center (Nameless Coalition) opened, but all fears have since been alleviated and no increase of disturbance from homeless persons has occurred. Brumback further stated that since the opening of the Park Place facility, disturbances have decreased at the library. Also, Brumback commented on the large number of vulnerable adults within our community and has concern for their well-being during the gap of time between library and Wolfe Center hours; she is willing to match hours with the Wolfe Center. Ruth Wilson spoke about the hours of operation being helpful for citizens who do not have access to the library, and commented that the increase in beds for the Wolfe Center is great. Emelie Rivera echoed Wilson's comments and urged Commissioners to consider allowing an increase in the hours of operation. Roger Ricky spoke about his experience with the Wolfe Center and expressed his gratefulness for the staff and the facility. Brent McWithey who began the local unit of Housing Matters three (3) years ago, spoke as a provider. McWithey stated that homeless services are important to the process of obtaining housing, as well as completing a housing assessment through Bi-CAP. McNicholes and Woods thanked those speaking their support for the Wolfe Center and asked to have the time restrictions eliminated. Staff has no concerns with extending hours of operation.

Public Hearing closed at 6:46 p.m.

Motion by Steffen, second by Smith, to approve an interim use permit amendment on parcel 80.00979.00, with the following conditions:

1. The IUP shall be reviewed for compliance on an annual basis by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
2. The applicant shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.
3. There shall be no more adult clients housed at this location than what the maximum capacity allows.
4. The Applicant shall comply with all State Building Code requirements with the City of Bemidji Building Department as well as obtaining all licenses through the Department of Health.
5. No loitering on adjacent properties, in City streets or on sidewalks will be permitted prior to the opening of the facility for each night.
6. The applicant shall remove snow from all sidewalks with twenty-four (24) hours of any snow fall event.
7. All outdoor activities shall continue to take place within the rear fenced yard.
8. All existing exterior lighting shall come in full conformity with Section 1008 of the JPB Zoning Ordinance.
9. Any dumpsters brought on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
10. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or any other change as may be determined by the JPB Staff.
11. JPB Staff may administratively approve a change in the operator, and/or lease space at this address without termination of the IUP, provided a complete and satisfactory review of the proposed change is conducted and there is no change in the approved IUP.

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 use will not adversely affect the surrounding area, as this use has been operating at this location since 2015. The use is appropriate in this location with the police department location directly across the street for safety concerns, limited single family housing within the downtown and within walking distance of the population of concern. The use conforms to the zoning regulations as a permitted IUP in the UR District.

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

No. No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated as most clients do not have transportation. On-site parking for volunteers ensures that the street parking will remain for the public.

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

No. There will be no adverse effects to property in the surrounding area anticipated from the proposed operation on the site, with the required conditions limiting hours, outdoor usage and loitering. Building occupancy standards will be required by City Building Inspections.

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. Per the GBAJPB Zoning Ordinance, transitional housing, homeless shelters and warming shelters are allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

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

Yes. The location is already serviced by centralized services. No additional building or site development is being requested at this time.

Motion carried. Abstention by Miller. Opposed by Heinonen.

Carlson presented the fourth case:

PLANNING CASE – V/CUP-20-31.01046.00 – Northern Township

Northern Township is requesting a conditional use permit (CUP) for the creation of a public watercraft access on the south shore of Lake Movil, parcel 31.01046.00. The following variances are also being requested:

1. To develop on a substandard lot of record (lot size and lot width);
2. An additional twenty-one (21) percent or four thousand four hundred and forty-four (4,444) square feet of impervious surface coverage above the maximum allowable limit throughout the property per Section 901.

BACKGROUND

Northern Township board members met with JPB staff in order to build a public watercraft access off of S Movil Lake Road NE. The parcel is an existing lot of record that was platted in 1926 which was recently combined with the ten (10) foot alley to the west, making the lot larger in size and

closer to conformity. The alley was the only public right-of-way (ROW) land access to the lake that was used in the past. The adjoining lot to the east had been used as well along with the alley after the existing structure was removed some time ago. The property has an old holding tank of some kind and an old retaining wall. The Township then combined the two lots to create the current lot configuration. JPB staff attended multiple committee meetings to discuss design, zoning, and issues that were raised by neighboring property owners.

This project will need determinations decided by the Technical Evaluation Panel (TEP), made up of the Department of Natural Resources (DNR), Army Corps of Engineers, Board of Water & Soil Resources (BWSR), Beltrami County Environmental Services Department (ESD), as the scope of the project in regards to the wetlands are dependent on the findings for this case.

PLANNING CONSIDERATIONS

Existing Conditions

This is a heavily treed lot with a wetland and an ice ridge that separates it from the lake. There is an approach off of S Movil Lake Road NE that will be used for the entrance to the watercraft access. Most of the mature trees are hardwoods with a majority being Ash along with some Maple, Basswood, Oak, and Aspen. Some conifers are sprinkled throughout the site as well that include White Spruce, Red Pine, and Balsam Fir. Shrubs consist of willows, crab apple trees, Red Osier Dogwood, and many other small trees and bushes. There are houses on each side of the proposed property as well.

Alternative Option #1

The first rendering of a plan shows the “bulb” largely impacting the wetland along with the shore impact zone. This alternative also has a significant impact to the landscape in regards to impervious surface coverage, tree and shrub removal, wetland fill and impacts, and it being situated right next to the lake causes storm-water challenges as well as loss of screening from the lake and adjacent neighbors.

The total impervious surface coverage for this alternative option would be approximately twelve thousand one hundred and sixty (12,160) square feet or fifty-eight percent (58%). This option has three (3) large parking spaces for vehicle and watercraft trailers along with three (3) smaller parking spaces for just transportation vehicles. There is an option for an additional two (2) to three (3) parking spaces within the center of the bulb. This option staff is in opposition due to the large amount of impervious coverage along with impacts to the wetlands and shore impact zone.

Alternative Option #2 (Applicant's Preferred Alternative)

This alternative depicts the bulb further back from the shore impact zone and less impacts to the wetland along with less overall tree and shrub removal, and less impervious surface coverage than Alternative Option #1. The access to the lake from the bulb bisects the wetland and thus divides it into two (2) distinct parts. The Applicant's representative states that this alternative disturbs the least amount of wetland, but does not indicate the different types and regimes that the impacts will have for the preferred Alternative Option #2 compared to the other alternatives.

The total impervious surface coverage for this alternative option would be approximately nine thousand eight hundred and twenty (9,820) square feet or forty-six percent (46%). This option has three (3) large parking spaces for vehicle and watercraft trailers along with one (1) smaller parking space for just a transportation vehicle. There is an option for an additional two (2) to three (3) parking spaces within the center of the bulb or a vegetative island that could be incorporated to help direct flow of traffic. With the location of the access ramp in relation to the bulb, staff feels maneuvering of vehicles and watercrafts could make backing up to the access ramp rather cumbersome due to lack of a direct path to the lake. Without designating no parking within the center of the bulb, this could

create obstacles that could disrupt emergency personnel and vehicles from entering the access ramp.

Alternative Option #3

JPB staff believes Alternative Option #3 is the best design that was presented, although there is more impervious surface coverage (an additional 2%) and loss of more high quality significant trees from preferred Alternative Option #2, there is less impact to the deepest regime of the wetland as well as shoreland impact zone. Also, this design does not cut through the middle of the wetland or the ice ridge thus leaving both mostly intact. Bill Best, the local WCA Administrator, concluded that the current watercraft access lane to the lake was manipulated with fill in the past and he would not consider this section of the property needing wetland mitigation.

The total impervious surface coverage for this alternative option would be approximately ten thousand two hundred (10,200) square feet or forty-eight percent (48%). This option has three (3) large parking spaces for vehicle and watercraft trailers along with one (1) smaller parking space for a transportation vehicle. There is an option for an additional two (2) to three (3) parking spaces within the center of the bulb or vegetative island could be incorporated to help direct flow of traffic. Another reason staff supports Alternative Option #3 over Alternative Option #2, is the ease or flow of traffic through the bulb for a straighter in-line launching of a boat, as previously referenced above as the "P" design.

Alternative Option #4

This alternative was not explored to any length and was used primarily as one of the requirements for WCA. This plan could be reconfigured to allow for parking and still minimize wetland and landscaping impacts.

The total impervious surface coverage for this alternative option would be approximately eight thousand nine hundred and seventy-five (8,975) square feet or forty-two percent (42%). This option provides no parking spaces at all; however, there is an option for two (2) to three (3) parking spaces to be located within the center of the bulb.

Alternative Option #5

This alternative was a no-build option that was not reasonable for the project goals.

Wetlands

The parcel contains a wetland that has multiple types ranging from Type 3 (Shallow Marsh), Type 6 (Shrub Swamp), and Type 7 (Wooded Swamp). The proposed Alternative Option #2 indicates that 0.12 acres (5,227 square feet) of wetland will be filled (impacted) and will bisect the wetland through the middle. The applicant will be required to go through the WCA banking process for any wetland impacts. The above photos were taken in June of 2019 and shows the current path that is used which runs along the west side of the property that was manipulated in the past to access Movil Lake in regards to filling and grading.

In order to proceed forward with Alternative Option #2, the project shall receive all approvals from the TEP to allow for impacts to the wetland. Without TEP approval, the Applicant will only be able to proceed forward with Alternative Option #4 or Alternative Option #5 as these will have no or minimal impacts to the wetland.

Parking

The proposed site plans (Alternative Option #2) has three (3) large parking spaces for vehicle and watercraft trailers along with one (1) smaller parking space for just a transportation vehicle. There are potential options for additional parking spaces within the center of the bulb, if the Township does

the proper striping. The proposed bulb and parking area complies with all parking setbacks of five (5) from property lines.

Landscaping

Per Section 908 of the Ordinance, vegetation alterations shall in no case exceed fifty percent (50%) of the brush and twenty-five percent (25%) of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this Section, trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.

The proposed site plan (Alternative Option #2) indicates the site will be approximately fifty-four percent (54%) pervious, under the seventy-five percent (75%) pervious surface minimum required. Per Section 1006 of the Ordinance, this site is required to have a total of twenty (20) high quality significant (HQS) trees preserved or planted. Currently there is a total of one-hundred and ten (110) trees on the property of which fifty-nine (59) are (HQS) trees. Forty-nine percent (49%) or twenty-nine (29) of the total HQS will be removed for the installation of the watercraft access. Within the shoreland impact zone, there is a total of thirty-one (31) trees and the plan shows four (4) trees to be removed which equates to thirteen percent (13%) well under the twenty-five percent (25%) maximum. The site plans do not show the amount of shrubs that will be removed, it is important to note that no more than fifty percent (50%) of shrubs are to be removed in the shoreland impact zone.

Per Section 1005 of the Ordinance, non-residential uses adjacent to residential structures shall have proper screening in place to prevent undue nuisance to neighboring properties. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision.

Stormwater Management

Per Section 914 of the Ordinance, if a project cannot meet the shoreland limitation for impervious surface of 25% maximum, an engineering plan, provided by a licensed civil engineer, or registered land surveyor, indicating that there will be no additional post development runoff with the addition of alternative impervious surfaces (including rain gardens, pervious pavers or pavement systems, green roofs, underground treatment, etc.) may be submitted for review and approval by the Planning Administrator, subject to prior engineering review and a maintenance plan. Approved alternative pervious surfaces of up to an additional 25% over and above traditional impervious surface materials may be considered for approval.

Fire Department

No issues were brought to the attention of JPB staff at the time of writing this report. A letter from the fire chief, Dave Hoefer was included in the applicant's attachments that stated this access could be beneficial in lifesaving, rescue, and firefighting operations.

Department of Natural Resources (DNR)

There are multiple letters from various divisions within the DNR that support the watercraft access Lake Movil. All letters are included in the packet.

Neighborhood Comment

One (1) neighborhood comment was received at the time of writing this report that was in opposition and stated that the peace and tranquility would be disrupted on Movil Lake. Three (3) additional comments in opposition have been received.

Comprehensive Plan References

The newly adopted Comprehensive Plan for the Greater Bemidji Area lays out several objectives

and strategies that fully support a public access on Lake Movil.

Objective 10.2 Promote All Forms of Recreational Activities

Recreational activities are a key part of the community. These activities can consist of local, regional, national, and even international events that bring the community and visitors together to participate in a wide array of healthy and active events. Events are a great way to promote recreational activities; however, it is important to maintain and increase opportunities for recreation that are not event-related.

3. Engage the community on public recreation projects and encourage private development. *Transparency on recreation projects is key to ensure that the needs of the community are being met.*

4. Promote health and enhancement of water-oriented recreational opportunities offered to the community. *Water-orientated recreational activities are becoming increasingly available. Appropriate developments should provide access to water-orientated recreation opportunities. **Public access to water needs to be preserved and increased where appropriate.***

RECOMMENDATIONS

Staff recommends approval of two (2) variances and a conditional use permit in order to build a new public watercraft access at parcel 31.01046.00 on Movil Lake off of S Lake Movil Lake Road NE. in the (R-3) Suburban Residential Zoning District and Shoreland Overlay within Northern Township. The variances are as follows:

1. Reduction of forty-six (46) feet in the lot width requirement of one hundred and fifty (150) feet to one hundred and four (104) feet along with a lot size reduction from the required forty-thousand (40,000) square feet to twenty-one thousand one-hundred and ninety-seven (21,197) square feet.
2. An increase in impervious surface coverage from the maximum of twenty-five (25) percent to forty-six (46) percent or from five-thousand two-hundred and ninety-nine (5,299) square feet to nine-thousand seven-hundred and fifty-one (9,751) square feet.

Approval recommended with the following conditions:

1. All Wetland Conservation Act (WCA) findings and conditions shall be complied with along with all other governing bodies' permitting requirements for the public watercraft access.
2. A landscaping and screening plan shall be submitted to JPB staff for approval along with a tree removal and preservation permit.
3. A shoreland alteration permit shall be obtained prior to any site alterations.
4. The existing holding tank on the property shall be removed and an SSTS abandonment reporting form shall be completed and submitted to JPB staff and MPCA.
5. Final engineering grading, drainage, and stormwater plans along with proper erosion control will need to be reviewed and approved by JPB staff before any construction can commence.
6. The variance and conditional use permit shall expire and become void if the watercraft access 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 7:15 p.m.

Mark Fuller, of Freeberg & Grund and representative of Northern Township, stated that the TEP report approved Alternative #2, and the credits are ready to be purchased by the Applicant. Commissioner Steffen questioned the flow of stormwater which is not accounted for in the design. Fuller explained that the civil plans are not done yet. Steffen asked about including a retaining wall to the west. Fuller stated there will not be a retaining wall, but a grading plan is included; Staff explained that screening is required on the east and west sides as this non-residential use abuts residential structures. Steffen asked if anyone considered the water depth of this location. Fuller stated that Brent Mason, Minnesota DNR Area Hydrologist, studied the plans and is in support of the project. Steffen further asked the time of year that water depth was evaluated, and Fuller explained that it was done approximately one (1) month before freeze-up. Commissioner Smith stated a preference for Alternative #3 because of the location of back up area. Fuller and Smith discussed the differences between Alternative #2 and #3. Steffen questioned the use of fencing to protect neighbors from the lights. Fuller stated that fences would be present. Smith commented that he is in favor of public accesses and that Northern Township has completed several along the east side of Lake Bemidji. Commissioner David questioned depth of access in reference to the letter of concern. Clarifications were not made. Fuller stated that depth varies by year and people who can use it with their type of watercraft, will use it. Bill Joyce is a resident who stated his disappointment in the process, and described the series of events including his involvement on the design committee. Joyce summarized his opposition to the variance including negative impact, out of character design, and parking issues. Mark Thorson is a long-term resident who stated his disappointment in the process and opposition to this public access. Thorson commented that public safety issues will increase, real estate values will change, damage will occur to the southwest corner of the lake, and neighbors will be impacted. Cindy Olson spoke in opposition to this project because the water is shallow and the bottom will be disrupted with large boats, but does not oppose public accesses. Olson also has concerns that the water quality has decreased since the road improvements. Shep Wilimek is a long-term resident who urged the consideration of neighbor's point of views, and referenced his opposition letter sent to staff. Colleen Joyce stated her concern with existing accesses that are not being maintained by Northern Township, lack of Sheriff Department patrols, and lack of transparency by Northern Town Board during the process. Joyce is not opposed to a public access in general, but urges decision makers to trust the comments of long term residents. Gary Barnet is a Northern Township resident, but does not reside on Lake Movil. Barnet spoke positively of public accesses which utilize public waters, and stated that opposition is not uncommon. Barnet asked for consideration of those interested in approving the project. Jess Frenzel, Northern Township Supervisor, stated that the property had been for sale for many years, and was recently bought with the intent for a public access. Frenzel also stated that the Minnesota DNR has often approached Northern Township to acquire the property and develop a public access for use in emergencies. Frenzel commented that the design is not perfect, and does not allow use of big boats, but the use makes sense and compromises have been made. Fuller described the seven (7) design attempts as well as the work done by the Public Advisory Committee, and the support of the Minnesota DNR as positive reasons to approve the variances. Commissioner Miller questioned the number of access on Lake Movil; Fuller cited two (2) in the immediate area, and referenced the original plat completed in 1926. Miller further commented on the unhappy

neighbors next to the east Lake Movil access. Steffen questioned the overall cost of the project, which Frenzel estimated to be between \$70,000.00 and \$100,000.00. Miller asked if the funds will come out of the road maintenance budget. Frenzel explained that some of the budget amount will be used, as well as seeking available grants. Steffen commented that a completed access estimated at \$200,000.00 to park three (3) vehicles is a lot of money for Northern Township to spend. Olson asked if the paved circle on the design is flat or slanted/sloped surface. Fuller stated that it is a five percent (5%) grade. Miller asked about stormwater treatment. Fuller stated that the run-off will be pre-treated and not discharged directly into Lake Movil. Wilimek compared this public access to placing a Burger King restaurant on this parcel. Staff commented that several lakefront homes are also on substandard lots and within fifty feet (50') of the lake, whereas they are required by the current ordinance to be one hundred feet (100') from the lake. Staff also commented that old septic systems most likely reside on all lake properties, which are also a huge detriment to lake health. A recent JPB report for around Lake Bemidji identifies a majority of the septic systems as a high priority with several being potential non-compliant. This may very well be the same outcome if a study report was completed around Lake Movil. Staff urges mitigation practices to be used whenever possible whether it is for public or private use.

Public Hearing closed 8:12 p.m.

Motion by Smith, second by Heinonen, to approve two variances to create a public boat access on parcel 31.01046.00:

1. Reduction of forty-six (46) feet in the lot width requirement of one hundred and fifty (150) feet to one hundred and four (104) feet along with a lot size reduction from the required forty-thousand (40,000) square feet to twenty-one thousand one-hundred and ninety-seven (21,197) square feet.
2. An increase in impervious surface coverage from the maximum of twenty-five (25) percent to forty-six (46) percent or from five-thousand two-hundred and ninety-nine (5,299) square feet to nine-thousand seven-hundred and fifty-one (9,751) square feet.

Approval recommended with the following conditions:

1. All Wetland Conservation Act (WCA) findings and conditions shall be complied with along with all other governing bodies' permitting requirements for the public watercraft access.
2. A landscaping and screening plan shall be submitted to JPB staff for approval along with a tree removal and preservation permit.
3. A shoreland alteration permit shall be obtained prior to any site alterations.
4. The existing holding tank on the property shall be removed and an SSTS abandonment reporting form shall be completed and submitted to JPB staff and MPCA.
5. Final engineering grading, drainage, and stormwater plans along with proper erosion control will need to be reviewed and approved by JPB staff before any construction can commence.
6. The variance and conditional use permit shall expire and become void if the watercraft access 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.

Findings of Fact - Variance:

1. Has the applicant demonstrated a practical difficulty?

Yes. A practical difficulty exists as the current lot does not meet the lot size minimum or width. Also, to be able to provide off-street parking the impervious surface coverage will go above the twenty-five (25) percent maximum.

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

Yes. The parcel is an existing lot of record that was platted in 1926 which was recently combined with the alley to the west, making the lot larger in size and closer to conformity. Due the size and configuration of this parcel, the placement of this access or any development of this lot in general is challenging, due in large part from the wetlands that are located near the lakeside of the property.

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. Movil Lake currently does not have a public watercraft access and as noted within the GBA Comprehensive plan, a public access to public waters are needed for water-oriented opportunities, and to promote and protect the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Through an approved Conditional Use Permit (CUP) public and private watercraft accesses are permitted within the shoreland areas.

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

Yes. The applicant has made many site plan additions to screen from neighboring properties from the vehicle traffic that will occur at the watercraft access along with both the street and lake sides. This use would not alter the character of the surrounding area as the site plans show their due diligence in preserving the Northwood's character and the natural state of the lot and area.

Roll call vote:

Ayes: Smith, Lahn, Heinonen

Nays: Miller, David, Steffen, Berg

Absent: Lemmer, Faver

Abstain: None

Motion failed.

The following Findings of Fact were presented for denial:

1. Has the applicant demonstrated a practical difficulty?

No. The Applicant is choosing to construct a public watercraft access larger than what is allowed, exceeding the maximum allowed twenty-five (25) percent impervious surface coverage.

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

Yes. The parcel is an existing lot of record that was platted in 1926 which was recently combined with the alley to the west, making the lot larger in size and closer to conformity. Due the size and configuration of this parcel, the placement of this access or any development of this lot in general is challenging, due in large part from the wetlands that are located near the lakeside of the property.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

No. Per Article IX of the Greater Bemidji Area Zoning & Subdivision Ordinance, the maximum allowed impervious surface coverage is twenty-five percent (25%) and this property is proposing to exceed that with approximately forty-six percent (46%) impervious. This will not be in keeping with the spirit, purpose and intent of the Ordinance.

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

No. This site is altering an existing wetland as well as a vacant wooded lot in a residential neighborhood. This will alter the character of the surrounding area as well as Lake Movil in regards to disruption to wildlife habitat.

Motion by Smith, second by Heinonen to approve a conditional use permit in order to build a new public watercraft access at parcel 31.01046.00, with the following conditions:

1. All Wetland Conservation Act (WCA) findings and conditions shall be complied with along with all other governing bodies' permitting requirements for the public watercraft access.
2. A landscaping and screening plan shall be submitted to JPB staff for approval along with a tree removal and preservation permit.
3. A shoreland alteration permit shall be obtained prior to any site alterations.
4. The existing holding tank on the property shall be removed and an SSTS abandonment reporting form shall be completed and submitted to JPB staff and MPCA.
5. Final engineering grading, drainage, and stormwater plans along with proper erosion control will need to be reviewed and approved by JPB staff before any construction can commence.
6. The variance and conditional use permit shall expire and become void if the watercraft access 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.
7. Alternative plans showing less impervious coverage than originally proposed shall be resubmitted through a variance process in order to construct a public watercraft access on the substandard lot of record.

Findings of Fact – CUP

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 increase interference upon the surrounding area. This use will enhance public safety and will allow emergency personnel to access Movil Lake in the event of a crisis.

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

No. Based on the proposed project, the site plans shows adequate off-street parking that will be provided on the parcel, as parking is not allowed on the S Movil Lake Road. Due to the depth and the size of Lake Movil in proximity to the access, only smaller watercrafts would be the primary source of traffic at this proposed public watercraft access.

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 neighborhood. Public watercraft are

located in residential districts throughout the majority of public waters within the State of Minnesota.

4. Whether the proposed use is in conformance with the community's Comprehensive Plan

Yes. The proposed use is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning and Subdivision Ordinance as public accesses to public waters are needed for water-oriented opportunities, and to promote and protect the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Through an approved Conditional Use Permit (CUP) public and private watercraft accesses are permitted within the shoreland areas.

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

Yes. The proposed site plans show adequate drainage for all of the impervious surface on the parcel to mitigate storm-water run-off from entering Lake Movil.

Roll call vote:

Ayes: Berg, David, Heinonen, Lahn, Smith

Nays: Steffen, Miller

Absent: Faver, Lemmer

Abstain: None

Motion carried.

OTHER BUSINESS:

DIRECTOR REPORT

Staff updated JPB decisions on last month's planning cases, announced the upcoming planning cases, and final 2019 activity count. Development Projects are on-going and some proposed projects were identified. Staff presented results from Lake Bemidji's residential septic review, and suggests the next step is working with public agencies for alternative solutions. Finally, staff announced that a public hearing will take place at the March Joint Planning Board meeting for considering changes to the Short Term Vacation Rental Ordinance.

ELECTION OF 2020 OFFICERS:

Nomination by Miller, to appoint Jeremy Berg as Chair.

Nomination declined by Berg.

Nomination by Smith, to appoint Don Heinonen as Chair.

Motion carried.

Nomination by Miller, to appoint Jeremy Berg as Vice Chair.

Motion carried.

New officers will be seated at the February meeting.

UPCOMING MEETING DATES:

February 12, 2020	6:00 pm	JPB Regular Meeting
February 27, 2020	6:00 pm	JPC Regular Meeting
March 11, 2020	6:00 pm	JBP Regular Meeting
March 26, 2020	6:00 pm	JPC Regular Meeting

ADJOURNMENT:

There being no further business, motion by Heinonen, second by Steffen, to adjourn the Regular Planning Commission meeting at 8:58 p.m.

Motion carried unanimously.

Respectfully submitted,

Terri Ball
Planning Administrative Assistant

Approved and attested by



Joint Planning Commission Representative