

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

Wednesday, June 8, 2016 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of May 11, 2016 Minutes

B. CONSENT AGENDA
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

- 1. Approve/Pay Bills (see attached list of bills) **Chair**
- 2. Appointment of Michael Hendricks – Resolution 2016-18 **Chair**
- 3. Approve hiring of new Planning Director **Chair**
- 4. Approve 2015 Budget Audit Report **Chair**

C. NEW BUSINESS
1. **City of Bemidji – Resolution No. 2016-19** – CUP/V-16-80.00838.00– Holiday Stationstores **J**

D. OTHER BUSINESS
1. Nameless Coalition Memo
2. MHB Review Process

E. VISITORS **Chair**

F. UPCOMING MEETINGS **Chair**

- 1. June 23, 2016 6:00 pm JPC Regular Meeting
- 2. July 13, 2016 6:00 pm JPB Regular Meeting
- 3. July 28, 2016 6:00 pm JPC Regular Meeting
- 4. August 10, 2016 6:00 pm JPB Regular Meeting

G. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
June 8, 2016

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, May 11, 2016, at 6:00 p.m. in City Hall. Chair Olson presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Johnson, Mountain, Olson, Chambers (alternate).

Members absent: Heuer, Merschman, Kelly (utilized alternate), Erickson.

Staff present: Josh Stearns, Cory Boushee, Terri Ball

Others in attendance:

Pledge of Allegiance was performed.

AGENDA

Motion by Albrecht, second by Johnson to approve the agenda.

Motion carried unanimously.

MINUTES

Motion by Albrecht, second by Mountain to approve the May 11, 2016 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$8554.72 (Check No. 1991 through 1996) were presented for payment.
- 2) Appointment of Michael Hendricks to the Joint Planning Commission – Resolution No. 2016-18.
- 3) Approve hiring of new Planning Director, Casey Mai.
- 4) Approve 2015 Budget Audit Report.

Motion by Mountain, second by Johnson to approve Consent Agenda.

Motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2016-19 – CUP/V-16-80.00838.00 – HOLIDAY STATIONSTORES

Applicant is requesting a CUP for an existing gas and convenience store and three variances for a tear down and rebuild of their existing Holiday gas and convenience store. The variances requested include a 12 ft side yard setback (15 ft required - 3 ft provided) between the proposed structure and the property line on the northeast corner. A tree reduction of 5 trees (15 required -10 provided). An impervious surface reduction of 20% (30% required - 10% provided). This is located in the Lake Oriented Commercial District at 1106 Paul Bunyan Drive South, in the City of Bemidji.

BACKGROUND

The applicants are looking to redevelop an existing site that is occupied by their current business.

At the commission meeting staff indicated that revised plans must be submitted for the board meeting on June 8, 2016. Those plans were received, however, there has been no agreement between all involved parties to move the entrance that is in dispute.

PLANNING CONSIDERATIONS

Setbacks

The property has an unusual shape in that it is more of a "triangle" with front yard setbacks on two (2) of the sides. The property that abuts the site is a CIC (ATARAXIS CONDOMINIUM CIC NO 54) and includes several businesses. The distance between the proposed structure and the existing will be 10 feet. This distance is the minimum requirement for building separation. The requirement for both structures to meet the setback would place 30 feet between these structures. The JPB needs to decide if this building should be located further southwest. Requiring the building to be located further southwest will force an encroachment into the front yard setback (30ft min).

Green Space

The requirement for green open space has a multitude of reasons for inclusion in the GBA Zoning Ordinance. The first being the water quality of Lake Bemidji. This area has a flexibility agreement that was established based on the 1985 agreement between the City and the DNR. Regardless of the agreement the area is still within the watershed of the Mississippi Headwaters and any variance request should be reviewed carefully. The second reason for the 30% requirement is for the aesthetics and economic vitality of the community. Finally stormwater capacity is important to this location. There is a distinct

wetland complex directly northwest of the site. Ensuring limited run off is one of the benefits for the total amount of green open space required.

In this scenario, the site is already at a roughly 100% impervious calculation. Unfortunately, the additional 10% addition is extremely small. Staff finds it encouraging that they are ensuring the boulevard green spaces in the MnDOT ROW will be landscaped and maintained. This however does not count towards their green space calculation. Staff would have liked to have seen a variety of additional planting options, even in the form of enhanced landscaping along the building front, creating additional enhancement of the site.

The total number of trees required for this site is 15 the applicant is requesting a variance to reduce this to 10 trees. While the site is constrained in size, there is additional space for enhanced landscaping. A condition of this variance is the need for an enhanced landscape plan showing ornamental shrubs and perennial plantings. Since there is limited greenspace and a lessening of the total number of trees, an enhanced amount of landscaping seems to be a compromise as this location is part of the entryway into the heart of the community.

Parking

The Site is proposing 39 parking spaces which is an increase of 11 to the 28 parking spots that exist currently. Using the requirement of one space per 250 square feet of gross floor area staff calculates a total of 38 parking spots needed. This total of 38 parking spots is calculated using all three business that are located here because there is an easement and parking agreement between these business already recorded with the county that will be required to be maintained.

Lighting

Lighting in the GBA zoning code is required to be completely shielded and downward facing. This location has had complaints regarding the lighting for many years. While the building cannot be required to be retrofitted, in the realm of a request for a variance, conditions can be placed on this location. One of the key variance concepts is that the site may be allowed flexibility if the final product that the community is receiving has an enhanced benefit. In this situation staff is recommending a condition for a photometric plan with lighting that reaches no more than 0.1 foot candles at the property boundary. This site should not be providing for light pollution at the entryway into the community.

Signage

There was no specific sign proposal. However one concern that staff has is that one of the free standing signs that is proposed to stay in place resides on MnDOT Property. Staff has no concerns with this existing sign remaining if MnDOT is allowing it. Staff is

requesting as a condition the applicant will provide a signed agreement between MnDOT and Holiday station stores that allows the current sign to stay in place on MnDOT Property.

For new signs The property is zoned LC and will need to be compliant with the standards that are required for the LC district.

Utilities / Fire / Engineering

The project will be connected to the City of Bemidji's centralized system. The Fire Department has indicated that they are satisfied with this project. The site has been reviewed for preliminary engineering, grading and draining. Final engineering plans, and a development agreement for any utilities will be required for approval.

Dumpster Enclosure

This requirement is satisfied in the proposed plans.

Neighborhood Comments

Staff has received several comments voicing concerns over this project that have been added to the packets.

RECOMMENDATION

Staff recommends approval of the applicant's request for a CUP to redevelop the existing use as a gas and convenience store with three (3) variances based on the following conditions:

1. An enhanced landscaping plan will be provided prior to the JPB meeting to include shrubs and perennial plants.
2. Final grading, drainage and engineering plans will be submitted with the building permit application.
3. A variance verification review and site plan review shall be required of the applicant, which includes a site visits with a review fee.
4. A photometric plan, cut sheets of lighting fixtures and location of all lighting will be identified and provided as part of the final plan set.
5. A signage permit will be applied for prior to any sign installations.
6. Applicant will provide to staff a signed agreement between MnDOT and Holiday Stationstores that allows the current sign to stay in place on MnDOT Property.

Board members had the following concerns:

- Mountain commented that the decrease of impervious surface and the effect of the tree line being visible when entering into Bemidji from the south will be an improvement.

- Albrecht asked if applicant has an agreement with MnDOT for stormwater. She further commented on the landscaping plans, clarifying the additional greenspace on northeast and southeast sides.
- Johnson spoke about the entrance on original plans, asking if two adjoining business owners were opposed to it. He stated this is a troublesome entrance and now would be the time to improve it. Staff explained one owner was okay with original entrance, the other owner voiced concerns with it. MnDOT had concerns with traffic stacking, but without an agreement, current entrance must stay.
- Albrecht described the building next door as a separate parcel containing two condo units (Classic Cuts and Lake-N-Woods Realty). If the entrance was closed off, customers would not have access to 197. The business owners want to maintain access to that street.
- Mountain stated his concern is not with the entrance, but with parking. Current area is very congested with vehicles and pedestrians.
- Albrecht questioned if concrete sidewalk on southwest border will remain, as it will lead nowhere. Discussion with Mountain about pedestrian crosswalk possibility. Summarized that would be a city council decision.
- Applicant representative, Sam Anderson from Karvako Engineering explained that a stormwater retention pond is being negotiated. They must submit to MnDOT a drainage permit and driveway permit.
- Albrecht asked if all three entrances on the southwest side will remain. Anderson stated one will move and other two will be kept, but all will be retained. Albrecht questioned current users of triangle parking space. Anderson speculated employees, those trying to sell vehicles, and overnight parking. She further questioned how the south boulevard will be restored. Anderson stated the current sidewalks on both frontages will be kept – they will be replaced as they were, to match, if replacement is necessary.
- Olson questioned if the sidewalk is in the MnDOT right of way, which it is. Green space would be increased but would not contribute to the 10% pervious.
- Albrecht asked for a reason why trees not placed in boulevard. Anderson explained it is MnDOT property, so the trees would become theirs to maintain, and crews are not available for that.

Motion by Albrecht, second by Johnson to approve Resolution No. 2016-19 granting a CUP and variances of 12 ft. setback, reduction of 5 trees, and impervious reduction of 20% for parcel 80.00838.00, including conditions:

1. An enhanced landscaping plan will be provided prior to the JPB meeting to include shrubs and perennial plants.

2. Final grading, drainage and engineering plans will be submitted with the building permit application.
3. A variance verification review and site plan review shall be required of the applicant, which includes a site visits with a review fee.
4. A photometric plan, cut sheets of lighting fixtures and location of all lighting will be identified and provided as part of the final plan set.
5. A signage permit will be applied for prior to any sign installations.
6. Applicant will provide to staff a signed agreement between MnDOT and Holiday Stationstores that allows the current sign to stay in place on MnDOT Property.

And CUP findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

No. This is an existing use on the parcel and will continue to operate the same, and is consistent with the goals and policies of the JPB Land Use Plan.

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

No. Changes to access and traffic circulation flow are proposed to help issues that currently exist on site. Increases in traffic or other negative impacts are not anticipated.

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

No. There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The use on this subject parcel exists currently and will not change the affects to surrounding properties with this renovation.

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

Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan.

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

Yes. The property is served by city services.

And Variance findings:

1. **Has the applicant demonstrated a practical difficulty?**

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site is encumbered by two front yard setbacks, adjacent to an existing structure, and MnDOT property directly adjacent to this site. The current site is 100% impervious and will be decreased with this redesign.

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

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in 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?

The site with the requirements of enhanced landscaping, greenspace provided on site and in the MnDOT ROW, a photometric plan and updated signage will be in keeping with the spirit, purpose and intent of the zoning ordinance.

Motion carried unanimously.

OTHER BUSINESS

- DNR notice to withdraw planning case was acknowledged.

Motion by Albrecht, second by Chambers to accept withdrawl.

Motion carried unanimously.

- Staff presented memo explaining why no action was necessary from a unanimous vote to approve a resolution to renew an IUP for one year, as per May 11 Joint Planning Board minutes.
- Staff summarized interpretation by Troy Gilchrist, JPB lawyer, of Mississippi Headwaters Board role to be one of a review and comment committee. The MHB codes reference counties while we are a LGU. Further, Troy believes the MHB went out and above what they can do. Olson clarified JPB has more authority than MHB. Chambers questioned next step for previous applicant, Caron. Northern township requests Troy research MHB role of authority, contact the MHB, and present a definitive written answer regarding the Caron's. Mountain asked for this to be done in a rapid fashion, hopefully within the week. Staff will contact Troy.

- Albrecht asked staff for an update on the office and their readiness for new Planning Director. Staff summarized a spirit of unity and complete readiness. Mountain commended Stearns for his extra efforts during the transition, and staff's positivity. He further stated it was a relief for the board to be assured work was getting done. Albrecht asked Boushee about his first month on the job.
- Albrecht addressed topic of Houston Engineering and our contract currently in place with them for the Comprehensive Plan. Larry Kramka, Houston representative, expressed desire to start project. Albrecht advised staff to contact Kramka who should then start planning a team kick-off meeting with staff and JPB. Also to notify him that any additional cost to original contract amount must be brought to the Joint Planning Board for approval. Albrecht stated that staff has completed the required reporting for the grant. She further commented on concerns from city manager to create a moratorium on zoning changes until the Comprehensive Plan is complete. Board discussed and agreed to make that an agenda item for the meeting with Houston Engineering.

UPCOMING MEETING DATES:.

June 23, 2016 -- JPC Regular Meeting @ 6:00 p.m.
July 13, 2016 -- JPB Regular Meeting @ 6:00 p.m.
July 28, 2016 -- JPC Regular Meeting @ 6:00 p.m.
August 10, 2016 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Mountain, second by Chambers, to adjourn the Joint Planning Board meeting at 7:05 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

JPB Minutes Approved and attested by:



Joint Planning Board Representative