

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

Wednesday, October 12, 2016 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of September 14, 2016 Minutes

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. Developers Agreement with Red Barn Estates **Chair**

B. NEW BUSINESS

1. City of Bemidji – **Resolution No. 2016-27** - CUP-16-80.05984.00,80.05985.00 –
South Shore Crossing **CM**

C. VISITORS **Chair**

D. ADMINISTRATOR’S REPORT **CM**

E. UPCOMING MEETINGS **Chair**

1. October 27, 2016 6:00 pm JPC Regular Meeting
2. November 9, 2016 6:00 pm JPB Regular Meeting
3. November 17, 2016 6:00 pm JPC Regular Meeting
4. December 14, 2016 6:00 pm JPB Regular Meeting

F. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
October 12, 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, October 12, 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, Kelly, Erickson.

Members absent: Heuer, Merschman.

Staff present: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

Others in attendance: Matt Murray, Jeff Dickson

Pledge of Allegiance was performed.

AGENDA

Motion by Erickson, second by Mountain to approve the agenda as presented.

Motion carried unanimously.

MINUTES

Motion by Albrecht, second by Johnson to approve the September 14, 2016 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$13429.67 (Check No. 2030 through 2036) were presented for payment.
- 2) Developers Agreement with Red Barn Estates

Board discussed Red Barn Estates Developers Agreement:

- Erickson questioned item 1.3d, the Township's standards for private roads and if the JPB is doing the work on behalf of Bemidji Township.
- Kelly questioned which road standards are being used.
- Mountain asked how the road will be engineered.

- Albrecht suggested JPB direct staff but not specify in Developer's Agreement.
- Erickson stated items 2.4 and 2.5, septic and well improvements are not part of JPB authority, but rather the MPCA and MDH due to the size of the project.
- Discussion about amount of escrows and how amounts are calculated.

Motion by Erickson, second by Kelly to approve Consent Agenda as presented.

Motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2016-27 – CUP-16-80.05984.00, 80.05985.00 – SOUTH SHORE CROSSING

Applicant is requesting approval for a Conditional Use Permit (CUP) to remove 60% of high quality significant trees in the South Shore Development in Bemidji. The property is located within the South Shore PUD Overlay, which has several additional restrictions on design and layout of the site.

BACKGROUND

South Shore Crossing is looking to develop their site along the south shore of Lake Bemidji. In order to develop on this site, 100% of trees will need to be removed and according to the Greater Bemidji Area Joint Planning Board Zoning & Subdivision Ordinance, a CUP is required for the removal of greater than 60% of the High Quality Significant trees on the site. After discussion with ICON Architectural Group and Karvakko Engineering, the plan is to plant more trees on the site than what they intend to remove from the development. The landscaping will follow the "Northwoods" theme established within the Planned Unit Development (PUD) document that was created for the South Shore Development. A more detailed landscaping plan will be submitted at the time of a site plan review for the proposed development.

PLANNING CONSIDERATIONS

During the South Shore PUD process a tree preservation study was conducted. The sites along the lake shore require significant filling of land in order for proper engineering/construction best management practices to be used. The significant filling would likely cause trees to die if they were attempted to be saved. Staff believes a better end result will be obtained by properly bringing the site elevation up to a buildable condition and restoring the site through planting new trees that match the PUD.

Projects in the South Shore are not only reviewed by City of Bemidji and JPB staff, but also the South Shore Design Review Committee. A mixed use development containing greater than 20% commercial space is an allowed use in the South Shore PUD, a conditional use permit is only required for tree removal in this case. The applicant believes that even if the site plan were to change some, the development will not require any additional trees.

Setbacks

The property lies in the shoreland overlay on Lake Bemidji with a Shoreland PUD requirement of setback of 150ft, with a DNR natural area and the trail sitting in between the OHW and these properties.

All building setbacks will be met for final approval without an approved variance. The South Shore PUD has special setback requirements for each lot within the PUD.

Current issues seen by staff that will need to be corrected:

- 1) Garage on North side of site plan will need to be adjusted to meet setback requirements of the Paul Bunyan Trail.
- 2) Current parking lot will need to be shifted to be five (5) feet from the property line on Lake Shore Dr. Even though the building setback for these lots is 0', the parking lot requirement will still need to be met. Note that the original intent of the 0' setback was to allow (if desired) storefronts to be located directly on the property line similar to downtown. The current development placement still meets the requirements of the PUD.

Trees

Base tree requirements from the JPB ordinance are not always appropriate in the South Shore PUD because of the increased impervious surface allowed, and customized setbacks. The JPB ordinance would only require 18 trees for this site with no trees being placed along Lake Shore Dr. between the parking lot and street. As the development is not utilizing the 0' building setback, and is creating an open landscape more trees can be added. The tradeoff for being allowed to remove 100% of the HQS trees will be the addition of 14 trees to be required. We will also require that these 14 trees be larger than the minimum requirement for coniferous and deciduous trees.

The PUD requires that trees along boulevards and parking areas be placed for developments at a rate of one per 40' of boulevard or parking area edge.

The 14 additional trees shall be larger than the minimum requirements. Half of the trees shall be coniferous at least six (6) feet in height, the other half shall be deciduous greater than 1.75 caliper inches.

No more than 40% of any of the same tree species shall be planted as required in the JPB ordinance.

Landscaping

A minimum of 50 percent of each yard setback shall be landscaped and follow the "Northwoods" theme established within the PUD.

An enhanced landscaping plan will be necessary to meet the requirements of the PUD. Shrubs and Native Plants will be planted to break up the landscape.

RECOMMENDATION

Staff recommends approval of a conditional use permit to remove 100% of the High Quality Significant Trees for a Mixed-Use development in the Lake Development Zoning District and South Shore PUD. The mixed use development shall meet the requirements of Mixed-Use as required by the South Shore PUD.

The following conditions shall be met to remain in conformance with an approved CUP:

1. Final plans will need to be approved by all agencies before removal of any clearing and grubbing can start. This includes approval by JPB, SSDRC, and all regulating officials of the City of Bemidji.
2. An enhanced landscape plan will be provided that meets the requirements of the South Shore PUD.
3. The applicant shall provide the JPB with a landscape escrow in accordance with the 2016 fee schedule to be held for one (1) year to ensure all vegetation has been established.
4. 32 Trees is the minimum amount of trees needed for approval based on the current site plan. Any plan changes shall still contain 32 trees.
5. Interior landscaping of parking lot shall contain live landscaping including trees. If the parking lot size is increased, additional interior landscaping, including live landscaping and trees will be required. Trees planted within the additional interior landscaping shall be in addition to the 32 trees required as minimum.
6. 14 trees will be required to be of a larger size, 50% shall be deciduous greater than 1.75 caliper inches the other 50% shall be coniferous greater than 6' in height.

7. No more than 40% of one tree species shall be planted and trees should be of species listed in the PUD matching the original tree planting of the event center.
8. Trees shall be planted along new parking area one per 40' as required in the PUD.
9. All trees will be planted on the property owned by the applicant.

Board members had the following concerns:

- Albrecht stated concern with last condition, as current plan shows 15 trees on boulevard already and adding 15 more could be redundant. Staff clarified the 5' shift of parking lot accommodates addition of 15 trees. Albrecht also commented that with the presence of a variance request, now is the opportunity to request an increase of trees from the applicant.
- Albrecht further described a potential traffic conflict at east entrance, and suggested the engineer address it. Representative Sam Anderson is aware and will be discussing with City Engineer for alternatives.
- Johnson questioned loss of trees due to summer storm. Staff cited ordinance which requires replacement within one year's time.
- Kelly asked about proposed detached garages on the lakeside. Staff explained them to be lockable storage units to accommodate marina use.
- Kelly questioned presence of setback or OHW variances, as a similar past project required. Staff clarified variance is only for quantity tree removal.

Motion by Albrecht, second by Johnson to approve Resolution No. 2016-27 for parcels 80.05984.00 and 80.05985.00 including findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surroundings land;**
The removal of significant trees will be mitigated, per the applicant's plans, by the placement of 32 new trees as well as enhanced landscaping required by the PUD on site.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;**
The removal of high quality significant trees will not adversely affect traffic conditions and parking on adjacent land.
3. **Whether the proposed use adversely affects property in the surrounding area;**
The removal of the trees will not adversely affect the properties in the surrounding areas.
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan;**

The removal and replacement of trees onsite is consistent with the Greater Bemidji Area Land Use Plan. If all conditions for approval are met, the CUP will be in conformance.

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

The existing utilities will be adequate for the site.

And with conditions:

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3. The applicant shall provide the JPB with a landscape escrow in accordance with the 2016 fee schedule to be held for one (1) year to ensure all vegetation has been established.
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9. All trees will be planted on the property owned by the applicant.

Motion carried unanimously.

ADMINISTRATOR'S REPORT

At last month's JPB meeting, the board directed staff to seek an engineering review as a follow up to a complaint. Mr. Nelson had addressed the JPB with concerns of excess water drainage on his property as a direct result of his neighbor's recent construction, which was approved by the JPB. Karvakko Engineer, Sam Anderson, conducted a site visit and found the construction was completed according to approved designs and summarized that Mr. Nelson's problems were due to water reaching his yard faster than before due to lack of grass on new ground. JPB feels more time is needed to develop

grass and infiltration system, and directed staff to contact Mr. Nelson with the engineering report.

Mai summarized upcoming planning cases, progress with Comp Plan – specifically recent steering committee meeting, recent GTS training for staff at the annual APA Conference, and upcoming staff review of the Fee Schedule.

UPCOMING MEETING DATES:

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November 9, 2016 – JPB Regular Meeting @ 6:00 p.m.
November 17, 2016 – JPC Regular Meeting @ 6:00 p.m.
December 14, 2016 – JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Kelly, second by Albrecht, to adjourn the Joint Planning Board meeting at 7:02 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

JPB Minutes Approved and attested by:



Joint Planning Board Representative