

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

Wednesday, August 9, 2017 REGULAR MEETING – 6:00 p.m.

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

A. MINUTES **Chair**
Approval of July 12, 2017 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. **Resolution No. 2017-25** – Appointment of Tim Faver to JPC **Chair**

C. NEW BUSINESS

- 1. **Northern Township** – **Resolution No. 2017-26** - CUP-17-31.00721.00 – Jon Kummer **CM**
- 2. **Northern Township**– **Resolution No. 2017-27** - V-17-31.01058.00 – Craig & Wendy Boyer **CB**
- 3. **Northern Township**- **Resolution No. 2017-28** - V-17-31.01456.00 – Ross Hegge **CB**
- 4. **City of Bemidji**- **Resolution No. 2017-29**-CUP-17-80.04502.00 & 80.04397.00 – Beltrami Co. **CM**
- 5. **Northern Township**– **Resolution No. 2017-30**-CUP-17-31.03208.00 & 31.03207.00–J. Hoover **CB**

D. OTHER BUSINESS

- 1. Revised Joint Powers Agreement **Chair**

E. VISITORS **Chair**

F. DIRECTOR’S REPORT **CM**

G. UPCOMING MEETINGS **Chair**

- 1. August 24, 2017 6:00 pm JPC Regular Meeting
- 2. September 13, 2017 6:00 pm JPB Regular Meeting
- 3. September 28, 2017 6:00 pm JPC Regular Meeting
- 4. October 11, 2017 6:00 pm JPB Regular Meeting

H. ADJOURN **Chair**

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
August 9, 2017

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, August 9, 2017, at 6:00 p.m. in City Hall. Chair Kelly presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Kelly, Frenzel, Meehlhause, Larson (alternate), Albrecht (6:25)

Members absent: Erickson (Utilized alternate)

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

Others in attendance: Brian Olson, Jon Kummer, Craig Boyer

Pledge of Allegiance was performed.

AGENDA

Motion by Frenzel, second by Meehlhause to approve the agenda as presented.

Motion carried unanimously.

MINUTES

Motion by Frenzel, second by Meehlhause to approve the July 12, 2017 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$6360.30 were presented for payment.
- 2) Resolution No. 2017-25 appointing Tim Faver to the Joint Planning Commission

Motion by Frenzel, second by Larson to approve consent agenda as presented.

Motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2017-26- CUP-17-31.00721.00 – JON KUMMER

Applicant is requesting approval of a Conditional Use Permit (CUP) for a Refuse Service Facility at the location of 901 Anne Street NW in Northern Township.

BACKGROUND

Refuse Service Facility is an allowed use in an R-1 Rural Residential Zoning District with an approved CUP. Jon's Refuse Service is currently nonconforming as it has been operating at this location without an approved CUP.

PLANNING CONSIDERATIONS

Jon's Refuse Service Facility is located in the R-1 Rural Residential Zoning District. This area is zoned R-1 because of the closed landfill for the sole purpose that nothing can ever be developed on this property without the land being cleared and released by the MPCA. The surrounding uses to this property are not compatible and are not zoned in similar manner. The land to the northeast of the Kummer's homestead is made up of apartments and zoned multi-family. The land directly to the east of the Kummer's homestead is made up of primarily high density commercial retail stores and restaurants that are zoned general commercial. The land to the west and southwest is made up of professional offices and medical clinics that is zoned low density commercial and office medical. The land directly to the south is made up of residential townhomes that is zoned moderate density residential.

Trash Handling & Exterior Storage

The applicant has not indicated an enclosed dumpster area on their site plan. All exterior storage of materials or equipment on the parcel are required to be fully enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings and/or screened with a dense evergreen tree hedge per Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance.

Signage

The applicant has not indicated any signage being added to the properties. All signage must comply with Section 710 of the JPB Ordinance and a sign permit shall be obtained prior to installation. At this time the applicant is using a dumpster as a display sign with Jon's Refuse contact information.

Minnesota Pollution Control Agency (MPCA) Closed Landfill Program (CLP)

The CLP has no issue with Jon's Refuse Services operating at this location if they plan to just store empty dumpsters and service trucks; however, they do have concern with leakage of contamination from the dumpsters or the trucks. They have indicated that they will continue to visit and inspect the site and that there shall be no construction of any structures on site without written approval from the MPCA.

Development Team (Public Works / Engineer; Fire Department; Beltrami County)

No concerns were identified by the Fire Department or the Beltrami County Highway Department.

Neighboring Property Owner Input

Staff has received 8 comments stating concerns from neighboring property owners regarding this use and the potential effects it may have on the surrounding area. They feel the proposed use could have strong odors and that the use does not fit within the zoning of the surrounding uses. They are worried this will diminish the value of their properties and will hinder people from living or shopping in the area.

Comprehensive Plan References

The proposed use of a refuse service facility in a rural residential district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses. However, a refuse service facility proposing outdoor storage of equipment used for the handling of solid waste in this location is not consistent with the Greater Bemidji Area Land Use Plan as this use is not compatible with the existing surrounding land uses, nor is this request in keeping with protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Appropriate buffers to prevent land use conflicts between the surrounding lands uses do not exist in this proposal.

Objective #3 of the GBAJPB Land Use Plan states: Maintain the rural and small town character of the Greater Bemidji Area, including the preservation of trees and open space, the prevention of land use conflicts between residential and nonresidential uses, the retention or creation of vegetative buffers, and appropriate management of signs and billboards.

RECOMMENDATION

Staff recommends denial of the conditional use permit to allow the operation of a refuse service facility to be located at 901 Anne Street NW in Northern Township; parcel number 31.00721.00 in the R-1 Rural Residential Zoning District based on the following 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.**

Yes. The proposed use of a refuse service facility is anticipated to adversely affect, or create an unreasonable level of disruption or interference upon the surrounding area as the use is not compatible with the existing neighborhood, nor is it protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area.

Although empty dumpsters and empty service trucks are only to be serviced and stored on site, the possibility of having strong odors or leakage of contamination is a general concern for the surrounding neighborhood.

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

Yes. Although currently Jon's Refuse is a small operation with minimal trucks entering or exiting the property daily, increasing business or another company with a larger operation wishing to use this property as a refuse service facility could create a burden on traffic conditions mixing the ingress/egress of garbage trucks and existing high traffic flow.

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

Yes. The proposed use of a refuse service facility and outdoor storage of equipment used for the handling of solid waste on the parcel is anticipated to adversely affect the value of land and properties and create an unreasonable level of disruption or interference upon the surrounding area as it is not a compatible use for the area. A refuse service facility is not consistent with the goals and policies of the JPB Land Use Plan for this area through the conditional use permit.

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

No. The proposed use of a refuse service facility is not consistent with the goals and policies of the JPB Land Use Plan for this zoning area through the conditional use permit as it would not be protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area

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

Yes. The property is served by city water services due to groundwater plume contamination from the past landfill; however, the site is still served by its own septic system which was installed and inspected in 2015.

Board members had the following concerns:

- Kelly requested that a recent written reply from Jon Kummer be added to the record.
- Kelly questioned staff of possibility of approving request if conditions such as enclosing the building and creating sanitizing practices were met by applicant. Kelly also stated the previous use has no bearing upon current request for use, and recommendation is based upon the merit of the current application. Staff stated that complying with recommendations based on the ordinances would

improve those aspects of this situation, but would not override the fact that the current use does not fit in this location.

- Larson commented on two recent visits to local retailers in which strong, offensive odor was noticed from waste containers. He stated that odor is an issue, but the applicant cannot be denied solely because of it.
- Frenzel commented that this use does not make sense as the surrounding area is growing and people are investing heavily in its development, then suggested that perhaps screening the property would improve the applicant's chance of CUP approval.
- Meehlhause agreed with Frenzel about the use not making sense at this location. He further stated that contamination cannot be allowed to occur in this area.
- Kelly asked board members if they had questions directly for applicant. No one replied. Kelly then agreed that the use is not compatible with the location but it is allowable with the granting of a CUP.

Motion by Frenzel, second by Meehlhause to deny Resolution No. 2017-26 for a conditional use permit to allow the operation of a refuse service facility to be located at 901 Anne Street NW in Northern Township; parcel number 31.00721.00 in the R-1 Rural Residential Zoning District based on the following 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.**

Yes. The proposed use of a refuse service facility is anticipated to adversely affect, or create an unreasonable level of disruption or interference upon the surrounding area as the use is not compatible with the existing neighborhood, nor is it protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. Although empty dumpsters and empty service trucks are only to be serviced and stored on site, the possibility of having strong odors or leakage of contamination is a general concern for the surrounding neighborhood.

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

Yes. Although currently Jon's Refuse is a small operation with minimal trucks entering or exiting the property daily, increasing business or another company with a larger operation wishing to use this property as a refuse service facility could create a burden on traffic conditions mixing the ingress/egress of garbage trucks and existing high traffic flow.

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

Yes. The proposed use of a refuse service facility and outdoor storage of equipment used for the handling of solid waste on the parcel is anticipated to adversely affect the value of land and properties and create an unreasonable level of disruption or interference upon the surrounding area as it is not a compatible use for the area. A refuse service facility is not consistent with the goals and policies of the JPB Land Use Plan for this area through the conditional use permit.

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

No. The proposed use of a refuse service facility is not consistent with the goals and policies of the JPB Land Use Plan for this zoning area through the conditional use permit as it would not be protecting the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area

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

Yes. The property is served by city water services due to groundwater plume contamination from the past landfill; however, the site is still served by its own septic system which was installed and inspected in 2015.

Motion carried. Votes of opposition by Larson and Kelly.

RESOLUTION NO. 2017-27- V-17-31.01058.00- CRAIG & WENDY BOYER

Applicants are requesting multiple variances at 6914 Bemidji Ave N in Northern Township to remove an old metal shed and replace it with an existing newer shed, as well as construct a new 480 square foot accessory structure. 1.) Variance for a 19,597 square foot reduction in lot size requirement from the 45,000 square foot requirement of the (R-3) Suburban Residential UNSEWERED zoning district; 2.) Variance for a reduction of forty-six (46) feet from the fifty (50) feet required from federal, state, or county right-of-way; and 3.) Variance for a reduction of (9.6) feet for structure mound setback on east side of mound.

BACKGROUND

This platted nonconforming lot would be completely unbuildable if held to the strictest standards as it is an average of 150' in depth, so any building would encroach on a setback. The applicant presented two options for discussion; however, JPB staff felt that Option 1 would place the least amount of impact on the shoreland, require less additional impervious surface, remove the least amount of trees, but also could impact the county ROW.

PLANNING CONSIDERATIONS

Lot Size Variance

A variance for lot size requirement was granted on this parcel in 2014, as JPB staff felt it was necessary to also include this in the variance process to update the numbers based on the certificate of survey provided. The 2014 request did not have the benefit of a survey for calculating square footage.

The request for administrative lot combination of the three (3) contiguous lots has been filed and approved by JPB staff.

ROW Setback

Setbacks are used in planning for safety, environmental concerns, and orderly, uniform development. The largest concern with this request is the encroachment on the public ROW, Bemidji Ave N is maintained by the Beltrami County Highway Department. The general consensus was that enough ROW currently exists here and that a minimal setback could be okay in this situation. The property does have a second driveway approach that will need to be removed as part of the proposed construction.

Any short term need for the second approach such as having to construct a septic system can be handled by a temporary driveway.

Septic Setback

The JPB ordinance is stricter than the MPCA guidelines for septic systems by requiring all structures to meet the twenty (20) foot setback from septic system drain field or mound media bed. MPCA only requires habitable structures to meet this requirement. The concern with setbacks is damage to the system and increasing run-off onto the system, no damage or increase in runoff is anticipated as this is a mound system.

Comprehensive Plan References

This request is in keeping the goals and policies of the GBAJPB land use plan, one goal of the plan is to protect the safety and functionality of the road system in the community through the promotion of appropriate development patterns. This request is not anticipated to negatively affect the road system, and the removal of the additional access will increase the overall safety of the roadway.

RECOMMENDATION

Staff recommends approval of three (3) variance's located at 6914 Bemidji Ave North in Northern Township. 1.) Variance for a 19,597 square foot reduction in lot size requirement from the 45,000 square foot requirement of the (R-3) Suburban Residential UNSEWERED zoning district. 2.) Variance for a reduction of forty-six (46) feet from the fifty (50) feet required from federal, state, or county right-of-way; and 3.) Variance for a reduction of (9.6) feet for structure mound setback on east side of mound recommended with the following condition:

1. Additional ingress/egress to property will be removed as part of the construction process.

Board members had the following concerns:

- Kelly stated surprise that county is not concerned with the setback. He also stated that if all lots are combined, alternative locations for the garage are available. Staff explained that if the garage was located south of the home applicant would still require a variance from the 50' ROW setback, and would increase impervious surface and stormwater run-off near Lake Bemidji.
- Albrecht questioned why Option 1 was not utilized. Staff stated it would require removal of trees.
- Frenzel questioned necessity of adding a condition to remove shed. Staff feels confident that this is clearly addressed in the site plan.
- Albrecht questioned if this was the best option. Staff stated the support of the county engineer and the result of reduced water runoff.
- Kelly asked if it is necessary to have a septic compliance more recent than four years. Staff stated that based on the ordinance, it is not required as no bedrooms are being added to the living area.

Motion by Frenzel, second by Larson to approve three (3) variance's located at 6914 Bemidji Ave North in Northern Township. 1.) Variance for a 19,597 square foot reduction in lot size requirement from the 45,000 square foot requirement of the (R-3) Suburban Residential UNSEWERED zoning district. 2.) Variance for a reduction of forty-six (46) feet from the fifty (50) feet required from federal, state, or county right-of-way; and 3.) Variance for a reduction of (9.6) feet for structure mound setback on east side of mound recommended with the following condition:

1. Additional ingress/egress to property will be removed as part of the construction process.

And with findings:

1. **Has the applicant demonstrated a practical difficulty?**
Yes. A practical difficulty exists as this lot is an existing, previously built upon, non-conforming lot in the Chautauqua Beach Plat. If held to the strict standards for setbacks of the shoreland overlay this lot would have nearly zero square feet of buildable area.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. This lot was platted or created before the official controls and oversight of today for setbacks, as well as surveying and platting practices.
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. Having an attached garage or detached accessory structure is in keeping with the character of the neighborhood, and does not compromise the intent of the zoning ordinance.

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

Yes. Nearly every property in this neighborhood has the benefit of a garage, likely constructed before the implementation of stricter regulation and oversight.

Motion carried unanimously.

RESOLUTION NO. 2017-28– V-17-31.01456.00– ROSS HEGGE

Applicant, with realtor Doug Fuller as representative is requesting four (4) variances located at 6526 Birchmont Dr. SE in Northern Township. 1.) Allow for an eight (8) foot setback encroachment from the side yard of the ten (10) feet required. 2.) A (2.3) foot encroachment of the public right-of-way requirement of twenty (20) feet. 3.) To increase the allowed green space / pervious surface from twenty-five (25) percent to (47.5) percent; a (27.5) percent increase. 4.) To construct a structure on a substandard parcel of land in the shoreland overlay and (R-3) Suburban Residential SEWERED zoning district.

BACKGROUND

Applicant is requesting approval to construct a 308 S.F. detached garage, to store a vehicle and other items through Northern Minnesota winters. A potential buyer is interested in purchasing the property to use as a year round residence. The proposal includes removing an existing 212 S.F. storage shed, removing a bituminous driveway and replacing with pervious pavers yet to be designed and planting two trees on-site.

PLANNING CONSIDERATIONS

Existing Conditions

Current site is (49.5) percent impervious surface. The house is twenty (20) feet by forty-six (46) feet and built up against the north property line and within the OHWL setback from Lake Bemidji. A twelve (12) foot by twenty (20) foot shed exists on the property built against the south property line and within the setback from the right-of-way.

Substandard and Nonconforming Lots

This proposal does not meet the standards for building on substandard lots for JPB or MHB ordinances as setbacks cannot be met, nor impervious surface.

Setbacks

Setbacks are used for policy and planning to protect the health, safety, and welfare of a community as well as the environment. Setbacks are used to ensure adequate access

for emergencies, provide a safe public ROW, mitigate environmental hazards, and provide for uniform neighborhoods and yards.

Placing gutters on the proposed garage could mitigate stormwater issues. The proposed landscaping of two (2) trees should be adjusted to ensure adequate access remains to the front of building for emergency purposes.

Impervious Surface and Green Space

The proposal intends to decrease impervious surface by providing a pervious pavement system that has yet to be designed, but does not provide for any improvement of green space. The addition of a pervious pavement system on this site does allow for twenty-four (24) percent of the impervious surface to be designed to infiltrate stormwater.

Alternative Options

The applicant provided options for placing the structure along the north or south side of the property, through conversations with the neighbor to the north the applicant decided to request the structure to be on south side. JPB staff explored other ideas with the applicant that could provide lower impact such as attaching the structure, this was not possible as the rear of the house is primarily bedrooms and not structurally designed for the addition.

Policy Considerations

Minnesota State Statute 103F.371 requires other governmental units such as the JPB to exercise their powers so as to further the purposes the MHB's goals of their comprehensive plan. This should be considered when making land use decisions that impact the MHB planning area.

Agency and Neighborhood Comment

Neighbor to the north requested that the structure not be placed directly on his property line.

Comment from the MHB was to ensure the strictest standards are followed, whether that be MHB or JPB ordinance.

Comprehensive Plan References

Improving this property to decrease current stormwater run-off and increase the permeability of the lot is in keeping with the goals and policies of the GBAJPB Land Use Plan. Although the JPB is still extremely concerned with over development of lake shore in the Greater Bemidji Area, making stormwater improvements and allowing for increased density in areas served by central services is consistent with the land use plan and zoning ordinance.

RECOMMENDATION

Staff recommends approval of four (4) variances located at 6526 Birchmont Dr. SE in Northern Township. 1.) Allow for an eight (8) foot setback encroachment of the side yard of the ten (10) feet required. 2.) A (2.3) foot encroachment of the public right-of way requirement of twenty (20) feet. 3.) To increase the allowed green space / pervious surface from twenty-five (25) percent to (47.5) percent a (27.5) percent increase. 4.) To construct a structure on a substandard parcel of land in the shoreland overlay and (R-3) Suburban Residential SEWERED zoning district. Approval recommended with the following conditions:

1. Pervious pavement system shall be constructed to standards as designed on site plan provided by licensed professional.
2. The pervious pavement system will always remain in place and no increase in impervious surface will be allowed without variance approval.
3. A development agreement between JPB and landowner at time of construction stating that the pervious pavement system will be maintained in a functioning condition as designed, and any replacement will meet or exceed the approved design parameters will be signed notarized and recorded.

Board members had the following concerns:

- Albrecht questioned if applicant has city sewer and water, as that would alleviate need for space for septic and well. Staff said it is hooked up at this residence.
- Kelly stated this project goes against all things the JPB does to protect lakes and waters, specifically road ROW encroachment and high percentage of impervious surface. Further, he stated the only reason for the request is because the applicant wants it – there is no hardship present.
- Frenzel questioned if garage is useable now. Staff stated it is not able to contain a car. Frenzel further stated that he agrees with Kelly's comments but this variance does offer an improvement of a decrease in existing impervious surface, and without improvements this place could become dilapidated. He feels it is better to upgrade, but request does put the JPB between a rock and a hard place.
- Albrecht commented that this property was originally intended for seasonal use only, not as a year round home. She agrees with trying to accommodate requests for reasonable use but feels this request is a stretch. Further, she asked if any work is proposed for shoreline stabilization. Staff is unaware of it.
- Kelly emphasized the property is located on a narrow, dead end road, and has 3 encroachments.
- Albrecht asked how JPC responded to this request, and also commented that the proposal would be an improvement from the current state. Staff stated the JPC did not dispute the request.

- Meehlhause questioned staff if a concern is present since pervious paving not yet designed. Staff explained that as a typo, as design is present.
- Frenzel questioned what else could be done with the property, and feels that having a garage through a variance is better than exterior storage, thus this project is moving in the direction of progress.
- Albrecht stated that our ordinance is not designed simply for spruce-up projects, but rather to protect water from run off and loss of shoreline habitat and vegetation. Further, if this property is improved or not, the focus is not on effect to Lake Bemidji.
- Frenzel stated this project results in 2% less of impervious surface, thus it is going in the right direction and does not hinder the lake.
- Albrecht commented that this cabin was built prior to the ordinance and compared it to past cases which took into account an increase in over-all bulk to the parcel and its setbacks. Further, she proposed the possibility of increased runoff due to additional roofing.
- Mai offered that if JPB is considering denial of the request, per legal counsel it is advised they motion for a 60-day extension rule to allow staff time to prepare proper findings of fact.

Motion by Frenzel, second by Meehlhause to approve four (4) variances located at 6526 Birchmont Dr. SE in Northern Township. 1.) Allow for an eight (8) foot setback encroachment of the side yard of the ten (10) feet required. 2.) A (2.3) foot encroachment of the public right-of way requirement of twenty (20) feet. 3.) To increase the allowed green space / pervious surface from twenty-five (25) percent to (47.5) percent a (27.5) percent increase. 4.) To construct a structure on a substandard parcel of land in the shoreland overlay and (R-3) Suburban Residential SEWERED zoning district with the following conditions:

1. Pervious pavement system shall be constructed to standards as designed on site plan provided by licensed professional.
2. The pervious pavement system will always remain in place and no increase in impervious surface will be allowed without variance approval.
3. A development agreement between JPB and landowner at time of construction stating that the pervious pavement system will be maintained in a functioning condition as designed, and any replacement will meet or exceed the approved design parameters will be signed notarized and recorded.

And Findings:

1. Has the applicant demonstrated a practical difficulty?

Yes. An argument can be made that the ability to not have a garage in Northern Minnesota is a practical difficulty and a reasonable request of land use.

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

Yes. The lot was created and the principle structure was placed in this location before the official controls and oversight of today for setbacks and platting practices.

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. Allowing for improvement of a property with proper mitigation to decrease environmental impacts on a parcel that is already developed and served by municipal sewer and water is in keeping with the intent of the zoning ordinance.

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

Yes. Nearly every property in this area has a structure built within the setback from right-of-way and side yard, and is also not meeting green space or impervious surface requirements.

Roll Call vote.

Ayes: Larson (alternate), Meehlhause, Frenzel

Nayes: Kelly, Albrecht

Absent: Erickson (utilized alternate)

Abstain: None

Motion carried.

RESOLUTION NO. 2017-29– CUP-17-80.04502.00 & 80.04397.00 – BELTRAMI CO.

Beltrami County is requesting approval of a Conditional Use Permit (CUP) for a Refuse Transfer Station at the location of 751 Industrial Park DR SE in the City of Bemidji; parcel numbers 80.04397.00 & 80.04502.00. These subject parcels are located in the I-1 Light Industrial Zoning District.

BACKGROUND

This site has been operating a refuse transfer station prior to the adoption of the GBAJPB Zoning and Subdivision Ordinance.

Beltrami County contracts with Waste Management of Bemidji which provides trash collection service for commercial customers within the City of Bemidji, and serves residential and commercial customers outside of the City limits of Bemidji. Refuse service for residential properties within the city limits of Bemidji are hauled by the City of Bemidji collection trucks which uses Waste Management of Bemidji's transfer station facility as the off-loading site. Beltrami County's contract with Waste Management of

Bemidji expires at the end of 2019. Beltrami County recently took ownership of the facilities as of July 1, 2017.

The applicant is looking to expand and alter the existing site, by adding a new access for a 24-hour customer drop-off, demolishing the existing and constructing a new scale house and truck scale, as well as demolishing two buildings and adding a 5,000 square foot addition.

PLANNING CONSIDERATIONS

Lot Combination

The refuse transfer station is located on two (2) contiguous lots with the lot line intersecting through a structure. The applicant has requested a lot combination of the two (2) contiguous lots to make one (1) lot of record for the refuse transfer station. The GIS department has no concerns other than there will be two addresses on the same parcel and one address will have to be picked as the primary address.

Parking

All parking areas shall be marked by durable painted stripes designating the parking spaces unless exempted by the Planning Administrator, per Section 1009 in the Zoning and Subdivision Ordinance. Based on site review, staff feels there is an adequate amount of parking on site. All gravel parking areas shall be removed and replaced with a bituminous, concrete, paver, or equally durable surface. Such areas shall be graded and drained so all surface water accumulation is maintained within the property area.

Lighting

The applicant has indicated that there will be additional lighting added to the proposed site. All additional lighting, as well as existing light shall conform to the JPB's requirements. Light specs and cut-sheets shall be submitted and approved by the JPB staff prior to installation.

Signage

The applicant has indicated the existing facility freestanding sign will be removed and that a new facility freestanding sign will be installed at a different location on site. All new signage must comply with Section 715 of the JPB Ordinance and a sign permit shall be obtained prior to installation.

Trash Handling & Exterior Storage

The applicant has not indicated an enclosed dumpster area on their site plan; however, a 24-hour customer drop-off for garbage and recyclables has been proposed. The 24-hour drop-off dumpster area shall be completely enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings. As this is a drop-off facility it is not the intention of the ordinance to

hinder the service that waste management is proposing to provide. Alterations to this requirement should be allowed to ensure the best possible service to the public, but meet the intentions of the ordinance for screening trash and preventing blowing litter. These dumpsters should be containers with lids, not open style dumpsters. Acceptable alterations could be walk-in access of four (4) foot between dumpsters without a door or gate, allowing for ease of entry with trash. All exterior storage of materials or equipment on the property shall be fully enclosed and/or screened per Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance. The construction materials for the enclosure shall be of a durable and fully opaque material which cannot be seen through.

Landscaping

Staff recommends a total of thirteen (13) trees be planted throughout the site and meet all the ordinance standards for size and type. It is recommended that all thirteen (13) be planted along Industrial Park DR SE, Mahnomen DR SE and Naylor DR SE to meet the street frontage tree requirement.

Development Team (Public Works / Engineer; Building Official; Fire Department)
No concerns were identified by the Development Team. Architectural plans will need to be submitted and approved prior to issuing a building permit. Public Works is fine with the proposed entrance changes and dimensions; however, if any utility changes are anticipated to occur, plans shall be approved prior to changes happening.

Neighboring Property Owner Input

Staff has received concerns from neighboring property owners regarding trash/garbage blowing around onto adjacent properties and into the nearby wetland. Neighboring property owners recommend some sort of screening to prevent trash/garbage leaving the property or being seen.

Comprehensive Plan References

The proposed use of a refuse transfer station in the general industrial district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

RECOMMENDATION

Staff recommends approval of a conditional use permit for a refuse transfer station at the location of 751 Industrial Park DR SE in the City of Bemidji; parcel numbers 80.04397.00 & 80.04502.00 located in the I-1 Light Industrial Zoning District with the following conditions:

1. The two (2) contiguous lots shall be combined into one (1) lot of record.

2. The parking lot shall be striped to provide adequate parking spots for employees and customers.
3. All gravel parking areas shall be removed and replaced with a bituminous, concrete, or equally durable surface or returned to greenspace.
4. All existing and future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. All dumpsters on site shall be fully enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings as required by the GBAJPB Zoning & Subdivision Ordinance per Section 1002, or an alteration acceptable by the Planning Director meeting the intention of the ordinance
6. Any new or additional signage will require another sign permit and will need to be obtained prior to being placed on the property.
7. A final landscaping plan with thirteen (13) trees shall be submitted for final approval to JPB staff. The size, type and location of each tree shall be displayed.
8. All exterior storage shall be fully screened with a minimum of a six (6) foot fence complying with Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance.
9. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction and demolition. Any future additions to this structure must be approved by GBAJPB Staff and the City of Bemidji Building Department.

Board members had the following concerns:

- Frenzel commented that the number of trees required seems minimal. Staff explained formula used in this zoning area.
- Kelly questioned if stormwater drainage is available and asked if area will be graded. Staff explained ordinance requirement is being met. Further, Kelly asked where water is going. Staff stated that the new impervious surface would direct the water to the greenspace and that the site is required to hold the first 1" of rain fall.
- Albrecht stated that no drainage plan is available.
- Larson asked where water runs to now and if it is possible to redirect. Has concern that would be difficult to do on this large site. Staff stated that water current runs to storm sewer, and explained ordinance does not require upgrades if existing site is changing, only required if it is a new development.
- Albrecht commented that this change would present an opportunity to improve the site, and stormwater management could be incorporated if applicant chose to do so.

- Kelly commented that when applying for a CUP is the time to bring things into compliance and feels this project does not bring the site into compliance at all. Staff explained that per city code the site is in compliance.
- Frenzel asked how realistic it is to request complete compliance, as it makes it overly burdensome to applicant.
- Albrecht suggested it could be possible that the site does contain a catch basin that we cannot see.
- Kelly stated the staff report says grading plan is required and compared other projects which faced greater scrutiny. Staff clarified that the city engineer requires a grading plan prior to the process.
- Frenzel questioned current impervious versus proposed. Staff explained the focus is on the added surface, and that improvements such as gutters could help eliminate run off.
- Albrecht commented on condition #9 not mentioning stormwater as part of the building permit requirement. Staff explained the erosion control permit is always part of the construction process.
- Frenzel suggested a condition which clarifies non-quantifiable/quantifiable. Staff explained the current conditions need improvement and will go through appropriate channels to remain in compliance, and that quantifiable information is difficult to work with.
- Kelly stated that a waste facility can be expected to have odors, but hopes that modernization improves it. Staff commented on MPCA requirements, and also agreed odor and stray garbage is going to occur.

Motion by Albrecht, second by Meehlhause to approve Resolution No. 2017-29 for parcels 80.04502.00 and 80.04397.00 allowing a conditional use permit for a refuse transfer station located in the I-1 Light Industrial Zoning District with the following conditions:

1. The two (2) contiguous lots shall be combined into one (1) lot of record.
2. The parking lot shall be striped to provide adequate parking spots for employees and customers.
3. All gravel parking areas shall be removed and replaced with a bituminous, concrete, or equally durable surface or returned to greenspace.
4. All existing and future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. All dumpsters on site shall be fully enclosed on all sides with a secure door, constructed to a height of six (6) feet and matching the architectural appearance of the buildings as required by the GBAJPB Zoning &

Subdivision Ordinance per Section 1002, or an alteration acceptable by the Planning Director meeting the intention of the ordinance

6. Any new or additional signage will require another sign permit and will need to be obtained prior to being placed on the property.
7. A final landscaping plan with thirteen (13) trees shall be submitted for final approval to JPB staff. The size, type and location of each tree shall be displayed.
8. All exterior storage shall be fully screened with a minimum of a six (6) foot fence complying with Section 1002 and 1005 of the GBAJPB Zoning & Subdivision Ordinance.
9. All applicable permits from the City of Bemidji Building Department shall be obtained prior to construction and demolition. Any future additions to this structure must be approved by GBAJPB Staff and the City of Bemidji Building Department.

And with 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. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area as the refuse transfer station has been operating at this existing location for some time now.

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. On-street parking is not available and adequate parking is provided on-site. A new 24-hour customer drop-off entrance is proposed to help eliminate traffic congestion on-site.

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

No. The proposed use of a refuse transfer station on this site is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding area as it has been in existence prior to the GBAJPB Zoning and subdivision ordinance. A refuse transfer station is consistent with the goals and policies of the JPB Land Use Plan for this zoning district through the conditional use permit.

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

Yes. The proposed use of a refuse transfer station is consistent with the goals and policies of the JPB Land Use Plan for this zoning district through the conditional use permit.

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.

RESOLUTION NO. 2017-30-CUP-17-31.03208.00 & 31.03207.00 – JUSTIN HOOVER

BACKGROUND

Applicant is requesting a conditional use permit in Northern Township to develop a mini-storage facility, in a (B-1) Low Density Commercial District. This type of land use requires approval of a Conditional Use Permit per Section 302 of the GBAJPB Zoning & Subdivision Ordinance.

PLANNING CONSIDERATIONS

Existing Conditions

This lot is currently vacant and no approach currently exists to the two (2) parcels from Irvine Ave.

Adjacent Zoning and Land Use

The proposed development is surrounded by a mix of uses. To the west is Northern Elementary School with a mix of commercial and multi-family zoning, north of the school is commercial business and south of the school is a mobile-home park. To the immediate north of the proposal a vacant old gas station exists; it is currently being monitored by MPCA for pollution concerns. To the northeast a multi-family development exists consisting of two (2) single level apartment buildings. The land to the east is vacant and zoned for commercial development. The land to the south consists of churches and single-family homes, with commercial zoning to the immediate south and multi-family zoning to the south of that.

JPB staff does not anticipate mini-storage generating any hardship on the surrounding land use and will be compatible with surrounding land uses.

Landscaping

Landscaping is not on the most up-to-date site plan. The applicant does propose to place all of the required trees along the street frontage around the security fence. A basic landscape plan was submitted that does not currently have enough trees on it, and is not complete. A final landscape plan with proposed location, size, and tree of type will need to be submitted before a land use permit can be issued. Fifty (50) trees are required on-site with nine (9) frontage trees.

The end result of this proposal would have a surface of 2.2 acres of impervious surface with no interior landscaping. JPB staff would like the revised enhanced landscaping plan to include landscaping on the north and south sides of the building. Enhanced landscaping should include hearty shrubs and/or trees. With thirty (30) feet proposed

on north and south of building staff feels that at least six (6) feet of landscaping could be added.

Lighting

Any proposed exterior lighting will need to be submitted for review by JPB staff, being downward facing and not projecting onto right-of-way or neighboring parcels.

Signage

The applicant has informed JPB that he would like a sign, but has not completed an application for sign permit.

Screening

The applicant is proposing to have a six (6) foot perimeter chain link fence that is screened, with the hope that the screening would allow the applicant to use an alternative surface for the project in lieu of bituminous or concrete. No exterior storage will be allowed at this location, so JPB staff does not feel that the additional screening will be required and the proposed landscaping around the fence will be sufficient.

Hard Surfacing Requirements

The JPB ordinance requires that all parking, loading, and driving areas be surfaced with bituminous pavement, concrete or an equally durable surface. Durable surfaces are required for multiple reasons including; stormwater management reducing the amount of sediments traveling to stormwater management areas; air quality reducing dust and fine particles entering the air affecting surrounding land uses; controlling the continuous expansion of parking areas; and to ensure parking areas are in aesthetically pleasing condition and not full of rutting, water pockets, and unwanted vegetation.

The applicant is requesting to use a ¾" crushed rock with a crushed concrete base for the driving and loading surface of the development. For the reasoning of the large expense of pavement and maintenance, the applicant feels that the crushed rock would allow for increased stormwater infiltration.

Phasing Plan

JPB staff is comfortable with a phasing plan if all zoning requirements are continued to be met, including landscaping, hard surface, and stormwater. All areas disturbed not being utilized by approved phase must remain landscaped greenspace until next phase is approved for construction.

Trash Handling

Currently no dumpster is being provided at this location, if one is provided it will need to be screened.

Transportation

The Beltrami County Highway Department does not have transportation concerns with this request, nor does JPB staff as the proposal is directly across from an existing ingress/egress to Irvine Ave.

Fire Department

The fire department had no concerns with this request for fire safety.

JPB Engineer

No engineering concerns were brought to our attention at this time, but final plans will need to be reviewed by engineer prior to approval.

Comprehensive Plan References

Commercial development of this property is consistent with the goals and policies of the GBAJPB Land Use Plan encouraging commercial development in areas that were zoned and designated for commercial development through future land use planning.

RECOMMENDATION

Staff recommends approval of a conditional use permit to operate mini warehouse storage at parcels 31.03208.00 & 31.03207.00 in the (B-1) Low Density Commercial Zoning District of Northern Township with the following conditions:

1. The final engineering plan shall be submitted with land use permit application meeting section 1009 parking standards of the ordinance for parking and loading areas, bituminous, concrete or equally durable surface will be required as well as stormwater management.
2. The final landscaping plan shall be submitted with land use permit application meeting section 1006 landscaping requirements of the ordinance requiring fifty (50) trees and nine (9) frontage trees as well as enhanced landscaping on the north and south side of the building. The size, type and location of each tree shall be displayed.
3. The two (2) contiguous parcels shall be combined into one (1) lot of record.

Board members had the following concerns:

- Albrecht asked what the JPC recommended. Staff stated that paving is necessary and the JPC agreed to support this per ordinance.
- Frenzel questioned options available for equally durable surface. Staff is unsure as none were presented, but consistently request concrete or asphalt.
- Kelly questioned size of this site versus last planning case site, as number of required trees is so different. Staff explained that this is zoned commercial and previous case was zoned industrial, thus different formulas were used.
- Albrecht commented on drainage pond located on north side of parcel and asked if the use is allowable use in utility easement. Kelly explained the presence of huge powerline, and staff assured this is not uncommon as usually the height is a concern.
- Frenzel asked if exterior lighting is required for storage facilities. Staff said it is not a requirement, but if available it must be compliant to ordinance.
- Albrecht stated importance of intersection, and questioned if Northern Township had this use envisioned for this area. Kelly commented that the property has been for sale a long time so it will be good to have it utilized. Also, Kelly stated it is a permitted use in this zone and supports the development.

- Albrecht further compared storage units on 30th & Irving to these proposed units. Frenzel commented that the use is a good fit, and a different use could bring an unwanted increase in traffic.
- Frenzel stated concern with lack of security lighting and recommended that it be added as a condition.

Motion by Frenzel, second by Larson to approve Resolution No. 2017-30 for a conditional use permit to operate mini warehouse storage at parcels 31.03208.00 & 31.03207.00 in the (B-1) Low Density Commercial Zoning District of Northern Township with the following conditions:

1. The final engineering plan shall be submitted with land use permit application meeting section 1009 parking standards of the ordinance for parking and loading areas, bituminous, concrete or equally durable surface will be required as well as stormwater management.
2. The final landscaping plan shall be submitted with land use permit application meeting section 1006 landscaping requirements of the ordinance requiring fifty (50) trees and nine (9) frontage trees as well as enhanced landscaping on the north and south side of the building. The size, type and location of each tree shall be displayed.
3. The two (2) contiguous parcels shall be combined into one (1) lot of record.
4. Exterior lighting is required and shall be in compliance with the ordinance.

And 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. Negative impacts are not anticipated with this conditional land use as long as conditions are in place to mitigate potential impacts and are followed.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**
No. No additional ingress/egress will be added to Irvine Ave but is not expected to place a negative impact on the area transportation network
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 subject parcel is appropriately zoned for the proposed use with approval of a CUP.
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 and Zoning Ordinance.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**
Yes. An engineered plan will address drainage, and sewer and water are not proposed.

Motion carried unanimously.

OTHER BUSINESS

Revised Joint Powers Agreement

Staff addressed recent reduction of the JPB, Board Member Johnson, and stated the need to elect a new Vice-Chair.

Albrecht nominated Meehlhause, who accepted the nomination.

Motion by Albrecht, second by Frenzel to select Michael Meehlhause as Vice-Chair.

Motion carried unanimously.

DIRECTOR'S REPORT

Mai summarized upcoming planning cases and progress of development projects around town. Annual Fall Tour was proposed as it did not occur last year. Early October was discussed, and a doodle poll will be conducted to finalize date. Mai identified scheduling conflict with the MN APA conference and September JPC meeting. Board directed staff to attend conference and reschedule JPC meeting. Mai also discussed progress on creating Administrative Fines with the help of legal counsel.

UPCOMING MEETING DATES:

August 24, 2017 -- JPC Regular Meeting @ 6:00 p.m.

September 13, 2017 -- JPB Regular Meeting @ 6:00 p.m.

September TBD, 2017-- JPC Regular Meeting @ 6:00 p.m.

October 11, 2017 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Albrecht, second by Meehlhause to adjourn the Joint Planning Board meeting at 8:34 PM.

Motion carried unanimously.

Respectfully submitted,
Terri Ball
Planning Assistant

JPB Minutes Approved and attested by:



Joint Planning Board Representative